

ARTICLE XVIII. - WATER CONSERVATION RULES^[18]

Footnotes:

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Editor's note— Ord. No. [2008-08](#), adopted May 20, 2008, amended art. XVIII in its entirety to read as herein set out. Former art. XVIII was comprised of §§ 37-601—37-605, pertained to the same subject matter, and derived from Ord. No. 93-29, adopted Nov. 16, 1993.

Sec. 37-601. - Intent.

The intent of the board of county commissioners is to set forth uniform countywide water conservation principles to promote a significant reduction of water use through conservation, education, economic incentives, and regulatory processes. Fresh groundwater is the highest quality potable water source in Orange County. In order to provide for the safe and prudent use of this limited and valuable resource, the regulations set forth in this article shall be applicable year-round. However, during such times as either the St. Johns River Water Management District or the South Florida Water Management District declares a water shortage or water shortage emergency pursuant to the water management district's respective rules, the specific restrictions imposed by the applicable water management district shall apply to those areas of Orange County subject to the jurisdiction of the applicable water management district.

(Ord. No. [2008-08](#), § 1, 5-20-08; Ord. No. [2010-02](#), § 1, 2-23-10)

Sec. 37-602. - Applicability.

- (a) Consistent with Section 704 of the Orange County Charter, this ordinance shall be applicable throughout all of Orange County except in municipalities that have adopted an ordinance(s) regulating landscape irrigation. This ordinance [article] shall be enforced as provided in section 37-612 of this article.
- (b) This ordinance [article] shall apply to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility, unless otherwise excepted under section 37-608.

(Ord. No. [2008-08](#), § 2, 5-20-08; Ord. No. [2010-02](#), § 2, 2-23-10)

Sec. 37-603. - Definitions.

- (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) *Automatic controller* means a mechanical or electronic device, capable of automated operation of valve stations to set the time, duration, and frequency of water application.

- (c) *Best management practices (BMPs)* means the practice or combination of practices based on research, field testing and/or expert review, determined to be the most effective and practicable on-location means, including economic and technological consideration, for improving water quality, conserving water supplies, and protecting natural resources.
- (d) *Common areas* means those portions of a building, land, or amenities owned (or managed) by the condominium owners' association, property owners' association or homeowners' association that are used by all of the tenants and/or owners who share in the common expenses of their operation and maintenance. Common areas include swimming pools, tennis courts, and other recreational areas, as well as common corridor of buildings, parking areas, areas of ingress or egress, right-of-ways, and/or medians.
- (e) *Eastern Standard Time* means that portion of the calendar year which begins on the first Sunday in November and ends on the second Sunday in March, pursuant to the federal Uniform Time Act of 1966, 15 U.S.C. Chapter 6, Subchapter IX, as amended; provided, however, that any congressional change in the duration of this period shall be automatically incorporated into this definition.
- (f) *Daylight Saving Time* means that portion of the calendar year which begins on the second Sunday in March, pursuant to the federal Uniform Time Act of 1966, 15 U.S.C. Chapter 6, Subchapter IX, as amended; provided, however, that any congressional change in the duration of this period shall be automatically incorporated into this definition.
- (g) *Licensed contractor or professional* means a licensed professional engineer or specialty contractor meeting the Orange County licensing requirement set forth in chapter 9 of the Orange County Code, and/or a registered landscape architect as that term is defined in ch. 481, Part II, Florida Statutes (2007), as it may be amended, and who is familiar with the standards and guidelines required to be developed under § 373.228(4), Florida Statutes (2007), as it may be amended, and published in a booklet called "Landscape Irrigation and Florida Friendly Design Standards" (December 2006) as it may be updated.
- (h) *Irrigation run-off* means the water that results from and occurs following an irrigation event, because water is not absorbed by the soil or landscape and flows from the area.
- (i) *Landscape irrigation* means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, groundcovers, plants, vines, gardens, and other such flora that are situated in such diverse locations as residential areas public, commercial and industrial establishments, and public medians and rights-of-way. Landscape irrigation does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds and football, baseball, and soccer fields. Landscape irrigation shall not be construed to mean any use regulated pursuant to 40C-2.042(1), F.A.C.
- (j) *Micro-irrigation* (also called *low-volume or drip irrigation*) means the application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Micro-irrigation encompasses a number of methods including drip, subsurface, bubbler, and trickle irrigation.
- (k) *Nonresidential landscape irrigation* means landscape irrigation not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.
- (l) *Person* means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or any other legal entity, the United States of America, and the State of Florida and all political subdivisions, regions, districts, municipalities, and public agencies.
- (m) *Rain sensor* means a low voltage electrical or mechanical component placed in the circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

- (n) *Reclaimed water* (also called *reuse water*) means water that is reused after one (1) or more public supply, municipal, industrial, commercial or agricultural uses.
- (o) *Recycled water* , as used in section 37-607(a) of this article, means the use of an industrial water source that is captured and redirected back into the same water use scheme.
- (p) *Residential landscape irrigation* means landscape irrigation associated with any housing unit having sanitary and kitchen facilities designed to accommodate one (1) or more residents, including multiple housing units and mobile homes.
- (q) *Soil moisture sensor* means a soil-based device that assesses the available plant soil moisture in order to minimize the unnecessary use of water and optimize the effectiveness of an irrigation system.
- (r) *Surface water* means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface. For purposes for this ordinance, this term does not include swimming pools.
- (s) *Substantial modification* or *substantially modified* (with reference to irrigation systems) means the installation of any new irrigation zones, or, within a six-month period, the repair or replacement of any irrigation equipment that is responsible for watering more than thirty (30) percent of the irrigated area on a given property. Substantial modification or substantially modified with reference to vehicle-washing operations means the repair or replacement of more than thirty (30) percent of the water-controlled or water-emitting system within a six-month period.
- (t) *Utilities director* means the director of the Orange County Utilities Department or his or her authorized designee.
- (u) *Water division manager* means the manager of the Orange County Utilities Department, Water Division, or his or her authorized designee.
- (v) *Wet detention treatment pond* means a permanently wet impoundment used to collect and temporarily store water in such a manner as to provide for treatment through physical, chemical, and biological processes with subsequent gradual release of the stormwater.

(Ord. No. [2008-08](#), § 3, 5-20-08; Ord. No. [2010-02](#), § 3, 2-23-10)

Sec. 37-604. - Landscape irrigation restrictions, days and times.

- (a) When Daylight Saving Time is in effect, landscape irrigation shall not occur except in accordance with the following irrigation schedule:
 - (1) Residential landscape irrigation at odd-numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (2) Residential landscape irrigation at even-numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (3) Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (4) No more than three-fourths ($\frac{3}{4}$) inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one (1) hour per irrigation zone on each day that irrigation occurs.
- (b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - (1) Residential landscape irrigation at odd-numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

- (2) Residential landscape irrigation at even-numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (3) Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (4) No more than three-fourths (¾) inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one (1) hour per irrigation zone on each day that irrigation occurs.
- (c) Broken or misdirected irrigation spray heads, irrigation system leaks, and other irrigation system malfunctions shall be repaired within seven (7) days of delivery of written notification by county personnel to the address where the problem occurs.
- (d) All landscape irrigation shall be limited in amount to only that necessary for efficient utilization.

(Ord. No. [2008-08](#), § 4, 5-20-08; Ord. No. [2010-02](#), § 4, 2-23-10)

Sec. 37-605. - Irrigation systems; application of water.

- (a) New or substantially altered irrigation systems. All irrigation systems installed or substantially modified after July 20, 2008, shall comply with the requirements set forth in this paragraph:
- (1) Irrigated zones shall receive only one (1) form of spray, rotor, drip or other irrigation application.
 - (2) Irrigated turf areas shall be on separate irrigation zones from other landscape plant groupings.
 - (3) Overhead or spray landscape irrigation may be used for turfgrass and other ground cover having a mature or maintained height of no greater than one (1) foot. All other landscape plants, including but not limited to trees and shrubs shall be irrigated using only micro-irrigation at the base of the plant or within the dripline of a tree, as appropriate, or by handheld hose or watering can.
 - (4) Landscape areas, including turf areas, measuring four (4) feet or less in width, shall be restricted to micro-irrigation and meet applicable landscape requirements set forth in chapter 24. This provision shall not be applicable to turf located on rights-of-way.
 - (5) Notwithstanding any other provision of this section, no retrofitting shall be required so long as the substantial modification to an irrigation system causes a net decrease in the flow or volume produced by the emitters.

(Ord. No. [2008-08](#), § 5, 5-20-08)

Sec. 37-606. - Irrigation system installation and maintenance.

- (a) No irrigation system shall be designed, constructed, or substantially modified, whether on residential or commercial property, except by licensed contractors or professionals; provided, however, that to the extent otherwise authorized by Florida law or this Code, a homeowner or property owner may construct, maintain and repair an irrigation system on his or her property.
- (b) All irrigation equipment shall be operated in accordance with the individual system guidelines and maintained in good working order to prevent leaks and wasteful or unnecessary use of water. Irrigation runoff and overspray shall be minimized.
- (c) All hand-held water hoses in use for landscape irrigation must be equipped with a functional automatic shut-off nozzle.
- (d) Automatic irrigation systems must be equipped with a functional rain sensor device. The backup battery in the timer or controller should be replaced annually unless it is a constantly recharging battery.

- (e) Irrigation system controllers installed after July 20, 2008, for irrigation of golf courses, playing fields, and public recreation shall be equipped with functional soil moisture sensors.

(Ord. No. [2008-08](#), § 6, 5-20-08; Ord. No. [2010-02](#), § 5, 2-23-10)

Sec. 37-607. - Miscellaneous.

- (a) Vehicle-washing systems, installed or substantially modified after July 1, 2008, should use only recycled water systems. For the purpose of this provision, vehicle-washing systems shall include commercial car-wash operations and car-wash systems associated with businesses that sell or lease vehicles, including but not limited to cars, trucks, boats, and other motorized vehicles. All vehicle-washing systems should use recycled water in most of the wash and rinsing cycles. Hand-held hoses shall be exempt from this provision.
- (b) Personal vehicle, boat and equipment washing should occur only with the use of a hand-held hose equipped with an automatic shut-off nozzle. Flushing of boat motors after use should occur only once a day for up to fifteen (15) minutes per boat. Live-aboard boats that serve as a primary residence should be washed or rinsed only during the landscape irrigation water day and time schedule provided in this article, using the assigned boat slip number as the address; however, in the event there is no assigned boat slip number, the address shall be the address of the property at which the dock is located.
- (c) Organized charity and fundraising car washes should occur only with the use of hand-held hoses equipped with automatic shut-off nozzles.

(Ord. No. [2008-08](#), § 7, 5-20-08)

Sec. 37-608. - Exceptions.

- (a) The following uses of water for landscape irrigation are excepted from the restrictions in this article:
 - (1) The use of water from a reclaimed water system for landscape irrigation is allowed anytime. 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.
 - (2) The use of recycled water from wet detention treatment ponds is allowed anytime provided such ponds are not augmented by any groundwater, or off-site surface water, or public water supply sources.
 - (3) Irrigation of new landscaping is allowed at any time of day on any day for the initial thirty (30) days after introduction of the new landscaping and is allowed every other day for the next thirty (30) days, for a total of sixty (60) days, provided irrigation is limited to the amount necessary for such landscape establishment. Irrigation under this exception provision shall be permitted only on those specific areas where the new landscaping is located.
 - (4) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within twenty-four (24) hours of application; provided watering in shall not exceed one-fourth (¼) inch of water per application, except as required by law, the manufacturer, or best management practices.
 - (5) Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed anytime.
 - (6) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed twenty (20) minutes per hour per zone.
 - (7) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.

- (8) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is allowed anytime.
- (9) The use of water which meets or exceeds the consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C., or which is authorized under a consumptive use permit pursuant to Rule 40C-2.042(2)(c), F.A.C.

(Ord. No. [2008-08](#), §§ 4, 8, 5-20-08; Ord. No. [2010-02](#), § 7, 2-23-10)

Sec. 37-609. - Variances.

- (a) All requests for a variance(s) from the requirements of this article shall be made in writing to the water division manager. The water division manager may require the applicant for a variance to provide such information as necessary to carry out the purpose of this article. The water division manager may approve, approve with conditions or deny requests for variances. A variance from the specific landscape irrigation days or day set forth in section 37-604 of this article may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on a different day or days than other zones of the property. Variances from the provisions of section 37-604 shall not authorize any single zone to be irrigated more than two (2) days per week when Daylight Saving Time is in effect and no more than one (1) day per week when Eastern Standard Time is in effect.
- (b) Copies of all variances and extensions for variances from the requirements of this article, issued by the applicable district, must be filed with the Orange County Utilities Department, Water Division, immediately upon receipt.
- (c) Appeals of variance decisions.
 - (1) Any appeal of a final decision of the water division manager must be made to the director of the Orange County Utilities Department within fifteen (15) days from the date of the written decision of the water division manager. All appeals shall be in writing and state all specific grounds of appeal. All appeals shall be filed with the water division manager.
 - (2) The utilities director, or his designee, shall consider the appeal within thirty (30) days from the water division manager's receipt of the appeal. Should the utilities director request additional information, the appeal shall be considered within thirty (30) days from the receipt of the requested information. In passing a decision upon an appeal, the utilities director may, in conformity with the terms of this article, affirm or reverse, in whole or in part, or modify the order, requirement, decision or determination from which the appeal is made. In granting a variance on appeal, the utilities director may attach such conditions and safeguards as is deemed necessary to further the purpose of this article. All decisions made by the utilities director shall be in writing.
 - (3) Timely appeals of the final decision of the utilities director will be heard by the board of county commissioners. Any appeal of the final decision of the utilities director must be initiated within twenty-one (21) days of the mailing of the notice of action from the utilities director. Hand delivery of notice may be substituted for mail delivery. All appeals shall be in writing and filed with the water division manager within thirty (30) days of the date of the final decision of the utilities director. All written appeals must state all specific grounds for appeal. All appeals shall be brought before the board of county commissioners at a public hearing.

The board shall set a public hearing and a public notice of such public hearing one (1) time in a newspaper of general circulation in Orange County at least two (2) weeks prior to said public

hearing. Said notice shall state the proposed variance requested and all of the specific grounds for appeal.

The water division manager shall notify the applicant of the date and time of the public hearing and shall direct the applicant to post the property with a notice of public hearing. The applicant shall place the notice in a conspicuous and easily visible location on the subject property at least thirty (30) days prior to the public hearing.

The board, at the public hearing, shall hear any individual who wishes to speak for, or against the recommendations made by the utilities director to the board with regard to whether or not the requested variance will materially affect any of the rights or interests of the public, considering the requirements and prohibitions set forth in this article, and shall either approve or deny the recommendations of the utilities director with regard to the approval of the requested variance.

(Ord. No. [2008-08](#), § 9, 5-20-08; Ord. No. [2010-02](#), § 8, 2-23-10)

Sec. 37-610. - Violations; penalties and remedies.

- (a) It shall be unlawful for any person to violate any provision of this Article, or any provision of any resolution enacted pursuant to the authority of this article. Any person who violates any provision of this article, or any provision of any resolution enacted pursuant to the authority of this article may be punished in accordance with chapter 1, section 1-9 and chapter 11 of this Code; provided, however, that violations of section 37-604 of this article ("Landscape irrigation restrictions") may be punished in accordance with section 37-611 of this article, an alternative and supplemental procedure.
- (b) In addition to the enforcement provisions provided, the county may avail itself of any other legal or equitable remedy available to it including, without limitation, injunctive relief, in the enforcement of any provision of this article or any provision of any resolution enacted pursuant to the authority of this article. Any person violating this article shall be held liable for all costs incurred by the county in connection with enforcing this article, or any resolution enacted pursuant to the authority of this article including, but not limited to, attorney's fees.

(Ord. No. [2008-08](#), § 10, 5-20-08; Ord. No. [2010-02](#), § 9, 2-23-10)

Sec. 37-611. - Violations of section 37-604; penalties and appeals.

- (a) Section 37-604 of this article ("Landscape irrigation restrictions, days and times") may be enforced by the means provided in this section and in section 37-610(b), rather than exclusively by the means provided in chapter 11 of the Orange County Code. Code enforcement officers are hereby authorized to issue a notice of violation of section 37-604 of this article when, based upon personal investigation, the code enforcement officer has reasonable cause to believe a violation has occurred. Because violations of section 37-604 of this article are irreparable and irreversible, a code enforcement officer is not required to provide the alleged violator with a reasonable time to correct the violation prior to issuing a notice of violation.
- (b) A notice of violation shall be provided by the code enforcement officer to the alleged violator by U.S. mail. A copy of the notice of violation shall be provided by the code enforcement officer to the record owner of the property where the violation occurred by U.S. mail. In addition, where feasible, a notice of violation shall also be provided by hand delivery by one (1) of the following methods:
 - (1) If at a residence, by leaving a copy of the notice with the alleged violator;
 - (2) If at a residence where the alleged violator is absent, by leaving a copy of the notice with any person therein who is fifteen (15) years of age or older and informing the person of the contents;

- (3) If at a business, by leaving a copy of the notice at the business during regular business hours with any employee and informing the employee of the contents. Each employee of the business shall be deemed to be an agent of the business for service of notices of violation.
- (4) If at a residence or business where no one is available for service, by leaving a copy of the notice in a conspicuous place near the primary entrance.

Failure to accomplish hand delivery shall not be deemed to invalidate the notice of violation, if the notice is also delivered by certified mail.

- (c) The notice of violation shall include at a minimum:
 - (1) Address where the violation occurred;
 - (2) The number or section of the code that has been violated;
 - (3) Date and time of the violation;
 - (4) Date and time the notice of violation was issued;
 - (5) Statement that the code enforcement officer was present at the premises and had reason to believe the violation occurred;
 - (6) The name of the code enforcement officer;
 - (7) The amount of the civil penalty and date by which it must be paid or contested;
 - (8) Procedures for payment of the penalty and for contesting the violation;
 - (9) Statement that failure to pay the penalty or to contest the violation in a timely manner will be considered an admission of liability; and
 - (10) If the violation occurred on property of a customer of the Orange County Utilities Department, statement that a civil penalty not successfully contested will be incorporated into the customer account, payable in the monthly utility bill.
 - (11) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear to contest the notice of violation, the person shall be deemed to have waived his or her right to contest the notice of violation and that, in such case, he or she may be ordered to pay an amount up to the maximum civil penalty and associated costs.
- (d) The first violation of section 37-604 at a given address shall not merit a civil penalty, although a notice of violation shall nonetheless be issued. Each subsequent violation at that address shall merit a civil penalty of twenty-five dollars (\$25.00). A violation that occurs three (3) years or more after the last violation at that address shall be considered a first violation.
- (e) After issuing a notice of violation, the code enforcement officer shall deposit one (1) copy with the clerk to the hearing officer as established herein and retain one (1) copy in the code enforcement officer's department or division file.
- (f) Any person to whom is issued a notice of violation hereunder shall either:
 - (1) File a notice of appeal within thirty (30) days of the date of the notice of violation, or
 - (2) Pay the assessed civil penalty as instructed on the notice.

Any person who does not file a notice of appeal as provided in subsection (h) below to contest the notice of violation within thirty (30) days of the date of a notice of violation admits liability, waives the right to contest the notice of violation, and shall be subject to the penalties provided hereunder.

- (g) If the alleged violator elects not to contest the notice of violation and pays the penalty noted thereon by utility bill or otherwise, payment shall constitute an admission of the civil infraction and shall constitute a waiver of the alleged violator's right to a hearing. The clerk to the hearing officer as established herein shall retain a copy of the receipt of the penalty payment.

- (h) If the alleged violator elects to contest the notice of violation, he or she shall file a notice of appeal within thirty (30) days of the date of the notice of violation. Each notice of appeal shall:
 - (1) Be accompanied by a filing fee of twenty-five dollars (\$25.00);
 - (2) Be addressed to the water division manager;
 - (3) Be either hand-delivered to the water division manager or postmarked within thirty (30) days after the date of the notice of violation;
 - (4) Contain a written statement of the reasons for appeal and any supporting papers the appellant desires; and
 - (5) If applicable, contain a written statement of the reason(s) the appellant objects to inclusion of the civil penalty on the utility bill.
- (i) Upon receipt of a timely appeal, the water division manager shall schedule a hearing date before the hearing officer, as established herein, to occur no later than sixty (60) days after receipt of the notice of appeal. A notice of hearing shall be sent to the appellant no less than ten (10) days before the hearing by U.S. mail at the same address to which the notice of violation was sent, unless the appellant provides a different address.
- (j) At the hearing, no formal rules of evidence shall apply and all relevant evidence may be submitted. Hearsay evidence may be admitted but may not form the sole basis of the hearing officer's decision. Irrelevant and repetitious evidence may be excluded. The code enforcement officer and the appellant shall have an opportunity to present evidence and to examine and cross-examine witnesses. The hearing shall be conducted in a manner to ensure that the appellant is afforded procedural and substantive due process.
- (k) After conclusion of the hearing, the hearing officer shall issue a written order granting or denying the appeal. Appeals shall be granted unless the hearing officer finds by clear and convincing evidence the violation occurred. If the appeal is granted, the filing fee shall be returned to the appellant. If the appeal is denied, the hearing officer shall issue an order requiring the appellant to promptly pay the civil penalty and assessed costs hereunder within thirty (30) days of the issuance of the written order. The hearing officer may assess the unsuccessful appellant the amount of the county's actual costs of enforcement and appeal.
- (l) Should the alleged violator file a notice of appeal and thereafter fail to appear at the hearing, he or she shall have waived the right to contest the notice of violation, and the hearing officer shall enter a finding that the person is in violation of this article and require payment of the penalty and assessed costs. Provided, however, that the hearing officer shall have the discretion to continue or reschedule any hearing when it determines that doing so will further the interest of justice. In such an event, notice shall be provided to the code enforcement officer and the alleged violator no later than ten (10) days before the rescheduled hearing.
- (m) If the violation occurred at the property of a customer of the Orange County Utilities Department, the department is authorized to attach any unpaid penalties and costs assessed hereunder to the customer account, payable in the monthly utility bill. Thereafter, the inclusion shall be deemed an integral part of the utility bill, payable upon the terms and conditions of any other charge in the billed account.
- (n) Penalties and costs not collected through the utility billing system may be collected in any lawful manner, pursuant to the authorities in section 37-611 of this article or otherwise.
- (o) The enforcement provisions of this section 37-611 shall be applicable only to violations of section 37-604 of this article and to none other. Provided, however, that nothing herein shall be deemed a limitation on the authority of the county to pursue any violation of section 37-604 pursuant to the authorities in section 37-610 of this article.
- (p) Appeals of determinations of the hearing officer, whether it is a first or subsequent offense, may be requested by petition of writ of certiorari to the circuit court and shall be filed within thirty (30) days of the execution of the order complained of.

- (q) The board of county commissioners shall contract with and utilize one (1) or more of the hearing officers appointed pursuant to this article to hold appeal hearings regarding notices of violation issued pursuant to section 37-604 of this article as the need arises. The clerk to such hearing officer shall be the water division manager, who shall be charged with scheduling and noticing appeals as provided herein and with maintaining all records relevant to such proceedings.

(Ord. No. [2010-02](#), § 10, 2-23-10; Ord. No. [2012-08](#), § 4, 4-3-12)

Sec. 37-612. - Enforcement.

- (a) By general law, water management districts that have jurisdiction within Orange County are responsible for the enforcement of their respective landscape irrigation regulations throughout the county. As provided by law, Orange County, in response to existing requests from the water management districts, will assist the water management districts in the enforcement of the landscape irrigation restrictions.
- (b) Orange County shall provide enforcement of this article within the water service area of the Orange County Utilities Department.
- (c) In areas where another utility provides water service, Orange County shall provide enforcement of this article, provided the other utility has entered into a written agreement with the Orange County addressing, at a minimum, cost-sharing for enforcement.
- (d) Orange County will assist the water management districts with the enforcement of the landscape irrigation restrictions within those areas that are outside the water service area of any utility provider.

(Ord. No. [2010-02](#), § 11, 2-23-10)

Sec. 37-613. - Water shortages and water shortage emergencies.

During such times as either the St. Johns River Water Management District or the South Florida Water Management District declares a water shortage or water shortage emergency pursuant to Florida Administrative Code, Chapters 40C-21 and 40E-21, respectively, as those chapters may be amended or replaced, the specific restrictions imposed by the applicable water management district shall apply to those areas of Orange County subject to the jurisdiction of the applicable water management district. The provisions of such water shortage order or water shortage emergency order shall supersede any conflicting provisions in this article until such time as such water shortage order or water shortage emergency order is rescinded.

(Ord. No. [2008-08](#), § 11, 5-20-08; Ord. No. [2010-02](#), § 12, 2-23-10)

Secs. 37-614—37-650. - Reserved.