

ORDINANCE 409 - 2009

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES, ENTITLED BUILDINGS, ARTICLE V. WATER AND IRRIGATION CONSERVATION; AMENDING SECTION 6-67 RESTRICTIONS AND SECTION 6-69 ENFORCEMENT; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Key Colony Beach recognizes the need for the protection of potable water as a natural resource through the application of enhanced landscape and irrigation practices; and

WHEREAS, it is the intent and policy of the City of Key Colony Beach to ensure the continued health, safety, welfare, and quality of life for the existing and future residents and visitors to our City by assisting in the conservation of its water resources; and

WHEREAS, enforcement of water restrictions may be made more efficient through the use of a citation system; and

WHEREAS, the imposition of civil penalties for violations of the Water and Irrigation Conservation Ordinance will assist in the protection of the water resources of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed out~~.)

CHAPTER 6. Buildings

Article V. Water and Irrigation Conservation.

Section 6-67. Restrictions.

- (1) Irrigation of any residential, commercial, institutional, governmental or industrial landscape areas shall be restricted to the hours of 5:00 p.m. to 9:00 a.m.
- (2) Any irrigation in violation of restrictions imposed by the South Florida Water Management District is strictly prohibited.
- (3) ~~(2)~~ It shall be unlawful to operate or cause the operation of any irrigation system or device in a manner causing potable water to be wasted, including, but not limited to, unnecessary watering of impervious areas, other than that which may occur incidental to the proper operation of the primary irrigation system.

~~(4) (3) Upon the effective date of this article [January 5, 2002], n~~New installations of automatic irrigation systems shall be equipped with a water sensing device which will automatically discontinue irrigation during periods of rainfall.

Section 6-69. Enforcement.

- (1) Failure to comply with the requirements of this article shall constitute a violation of a city ordinance, and may be punished as provided ~~by section 125.69(1), Florida Statutes~~ in ordinance section 1-10(g)(1).
- (2) Violations of the provisions of this article may also be punished, pursuant to section 162.21, Florida Statutes, as a civil infraction with a maximum civil penalty not to exceed five hundred dollars (\$500.00).
- (3) Each day in violation of the provisions of this article shall constitute a separate offense.
- (4) In addition to the sanctions contained herein, the city may take appropriate action, including but not limited to administrative action and requests for temporary and permanent injunctions, to enforce the provisions of this article.
- (5) All monies collected pursuant to this article shall be deposited in the City of Key Colony Beach General Fund or such other place as may be designated by resolution of the city.

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective immediately upon passage.

Ronald A. Sutton, Mayor

Attest: Vickie L. Bollinger, City Clerk

Thomas D. Wright, City Attorney

Approved as to form and legal sufficiency:

March 26, 2009	1st Reading
March 28, 2009	Date of Notice, Florida Keys Keynoter
April 9, 2009	Second Reading