

## **ORDINANCE NO. 393**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA,  
AMENDING SECTIONS OF CHAPTER 17.3 UTILITIES OF THE CODE  
OF ORDINANCES OF THE CITY OF ORANGE CITY, FLORIDA;  
PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE  
DATE.**

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**WHEREAS**, Section 17.3 Utilities, of the Code of Ordinances of the City of Orange City was adopted in 1991; and

**WHEREAS**, it is the desire of the City Council to update this portion of the code to reflect current practices; and

**WHEREAS**, words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** That Chapter 17.3 of the Code of Ordinances of the City of Orange City is hereby amended in accordance with Exhibit "A" attached hereto and incorporated herein as though fully set forth by this reference.

**SECTION 2.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 3.** If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

**SECTION 4.** This ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida, and approval as provided by law.

**ROLL CALL VOTE AS FOLLOWS:**

First Reading this 23rd day of June, 2009.

Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
R. Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

**ROLL CALL VOTE AS FOLLOWS:**

Second Reading this 14th day of July, 2009.

Jim Mahoney	<u>absent</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
R. Paul Rasch	<u>no</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 14th day of July, 2009.

**ATTEST:**

Deborah J. Renner  
Deborah J. Renner, CMC, City Clerk

**AUTHENTICATED:**

Harley Strickland  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

Wm  
William E. Reischmann, Jr., City Attorney

DIVISION 2. WATER CONSERVATION\*

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\*Cross references: Curtailment of water usage during periods of water shortage, § 17.3-32.

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Sec. 17.3-81. Intent, Purpose, and Applicability.

It is the intent and purpose of this division is to implement procedures that promote water conservation through more efficient landscape irrigation. The provisions of this division are applicable to private wells, surface water and potable water used for irrigation and other nonpotable uses.

(Ord. No. 356, Exh. A, 6-24-08)

Sec. 17.3-82. Definitions.

For the purpose of this Article, 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.

- (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, 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, football, baseball and soccer fields.
- (e) "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one

or more residents, including multiple housing units and mobile homes.

- (f) “Non-residential landscape irrigation” means the irrigation of landscape 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.

~~*Automatic system* means any irrigation method or system with a timing device that controls the periods of operation.~~

~~*District* means the St. Johns River Water Management District, or any duly authorized agency.~~

~~*Enforcement personnel* means those personnel duly authorized by the city for the purposes of maintaining compliance with the provisions of this division. This shall include, but not be limited to, state officials, county officials, district, or any duly authorized agency officials, code enforcement officers, law enforcement officers, employees of the fire department, water meter readers, utility personnel/public works employees and other duly designated employees or agents of the city so designated by the city manager.~~

~~Enforcement personnel shall have the duty, and are hereby authorized, to enforce the provisions of this division and shall have the power to issue written warning notices, citations. Enforcement activity to be in accordance with section 17.3-88 of division 2, Water Conservation.~~

~~*Hand watering* means a person holding the watering device throughout the watering activity, which itself must have a mechanism for automatic shutoff when pressure is released (an automatic shutoff/self-canceling spray nozzle).~~

~~*Heating and air conditioning use* means the use of water for heating, cooling, or for air conditioning.~~

~~*Landscape irrigation use* means the outside watering or sprinkling of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which are planted and established and are situated in such diverse locations as residential landscaping, recreation areas, cemeteries, public, commercial and industrial establishments, public medians and rights-of-way.~~

~~*Legitimate agricultural pursuits* are those agricultural pursuits, which are primarily commercial in nature or have a current agricultural tax exemption.~~

~~*Low volume irrigation* means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant.~~

~~*Low volume pressure cleaning* means pressure cleaning by means of equipment which is specifically designed to reduce the inflow volume as accepted by industry standards.~~

~~*Manual system* means any irrigation method or system that does not have a control device that is automatically timed. Hand watering is a manual system.~~

~~*Reclaimed water* means water that meets the current Florida Department of Environmental Regulation standards for reuse after flowing out of any wastewater treatment plant or works.~~

~~*Reuse* means the deliberate application of reclaimed water for a beneficial purpose and uses include landscape irrigation, agricultural irrigation, aesthetic uses, groundwater recharge, industrial uses, fire protection or other useful purposes.~~

~~*State-of-the-art* means the level of development for a device or procedure, process, technique or science reached by the result of the most modern method. A state-of-the-art system would be one in which the most advanced and up-to-date industry standards and methods are employed.~~

~~User means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State of Florida, any political subdivisions, region, district, municipality, or public agency thereof, which directly or indirectly take water from the water resource, including, but not limited to, uses from private or public utility systems, uses whether or not under consumptive use permits issued by the district, or uses from individual wells or pumps for domestic or individual home use or other use. The term does not include users who use only reclaimed water for reuse. Volusia County restrictions refers to levels of water conservation and use as specified in section 50-315 of the County of Volusia Code.~~

~~Water conservation means a continuing effort to use only as much water as absolutely necessary, whether for drinking, washing, flushing, irrigating, or any other use. Water conservation is awareness that our water resources are not unlimited.~~

~~Water shortage means that situation as recommended by the district, in which sufficient water is not available to meet the needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area.~~

~~Water shortage plan means the St. Johns River Water Management District's, F.A.C. ch. 40C-21, Water Shortage Plan.  
(Ord. No. 356, Exh. A, 6-24-08)~~

### Sec. 17.3-83. Landscape Irrigation Schedules

1. When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. 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

b. 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

c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 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 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. 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

b. 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

c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

d. No more than 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 1 hour per irrigation zone on each day that irrigation occurs.

3. All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

~~Declaration of water shortage.~~

~~(a) The city recognizes and understands the importance of the inter-jurisdictional district policies regarding uniform water use restrictions, conservation, and regional water management policies.~~

~~(b) The city, as a member of the district, delegates to the district the authority to recommend to Volusia County Council to declare a water shortage or a water shortage emergency based on technical information such as, but not limited to groundwater levels, well drawdown levels and rainfall as provided and reviewed by the district technical advisory committee.~~

~~(c) Therefore, the city hereby adopts by ordinance the levels of water conservation and water shortage restrictions in section 17.3-84 of this division and establishes the base level as that level of water conservation and use in effect year-round. Furthermore, should a water shortage or water shortage emergency be determined by the district, the most stringent district recommended and county council established level of use restrictions, as set forth in section 17.3-84, shall be effective and shall be implemented and enforced.~~

~~(d) In the event the district declares a water shortage and implements its water shortage plan, F.A.C. ch. 40C-21, the water shortage plan and all elements of said plan become effective and take precedence over the provisions of this division provided that the implemented district water shortage plan provides for a more restrictive level of water conservation than the level in effect. At such time as the district declared water shortage expires, then all provisions of this division become effective and enforceable.~~

~~(e) Nothing herein shall prevent the city from declaring a water shortage or water emergency and implementing water use restrictions on their own, provided that those measures implemented are at least as restrictive as the county's or district's levels.~~

~~(Ord. No. 356, Exh. A, 6-24-08)~~

Sec. 17.3-84. Exceptions To The Landscape Irrigation Schedules

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

1. Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.

2. 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.

3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed ¼ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.

5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

6. Discharge of water from a water-to-air air-conditioning unit or other water- dependent cooling system is not limited.

7. 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

8. 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.

~~Levels of water conservation and water shortage restrictions.~~

~~The city, in order to provide the necessary levels of year-round water conservation and provide for the most logical transition to a declared water shortage, water shortage emergency or the district water shortage plan, hereby establishes the following levels of water conservation and water shortage use restrictions:~~

~~(1) *Base water conservation level.* This level corresponds to Volusia County Level I restrictions, which corresponds to Phase I moderate water shortage plan restrictions of the district (as of 1999). This Volusia County "conservation rule" is more restrictive than the "conservation rule" of the district (which prohibits landscape irrigation between 10:00 a.m. and 4:00 p.m. seven days a week). This base conservation level is a minimum environmental standard within Volusia County. This level is as follows:~~

~~a. The use of water for landscape irrigation is allowed only during the following times: Two days a week from 4:00–8:00 a.m. and 4:00–8:00 p.m. (5:00–9:00 p.m. during daylight savings time) for manual irrigation systems and 4:00–8:00 a.m. only for automatic irrigation systems. Even addresses and residences without address numbers can water at these times on Thursdays and Sundays, odd addresses on Wednesdays and Saturdays. On Mondays, Tuesdays and Fridays, no watering is permitted. Hand watering is permitted any time but avoidance of hours of high evaporation is encouraged.~~

~~1. Irrigation using a low volume irrigation system is allowed any time.~~

~~2. The use of reclaimed water for irrigation shall be determined by the city. Appropriate signs must be placed on the property to inform the general public and enforcement personnel of such use. Such signs must be in accordance with city restrictions.~~

~~3. Irrigation of new landscape plantings and/or lawns is allowed any day, except between 10:00 a.m. and 4:00 p.m., for one 30-day period, provided irrigation is limited to the amount necessary for plant establishment. The user must have evidence that planting has been done within 30 days, for instance a receipt for purchase or landscaping services, to utilize this exception.~~

~~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 24 hours of application.~~

~~5. Irrigation systems may be operated anytime for maintenance and repair purposes, not to exceed ten minutes per hour per zone.~~

~~b. Excessive use of water for landscape irrigation or over watering of landscaping is discouraged. Overspray of irrigation water onto impervious surfaces should be controlled in accordance with section 17.3-85 of division 2, Water Conservation.~~

~~c. Noncommercial or private automobile washing shall utilize an automatic shutoff/self-canceling spray nozzle. Automobile washing shall be on pervious surfaces whenever feasible or at a commercial water recycling automobile wash.~~

~~d. The washing of sidewalks, walkways, driveways, parking lots, tennis courts and all other impervious areas shall utilize an automatic shutoff/self-canceling spray nozzles or low-volume pressure cleaning. Excessive use of water for washing of impervious areas is discouraged. Runoff from impervious surface washing shall be directed as much as possible towards pervious areas.~~

~~e. Filling or refilling of swimming pools, except as necessary during construction process, repairs, or following any voluntary cessation of use of the pool to prevent the leakage of water, and except as necessary to raise the level of water to allow the pool's skimmer to properly function, is prohibited. The continuous refilling of swimming pools while a leak is occurring is hereby prohibited.~~

~~f. All automatic landscape irrigation systems shall be equipped with rain sensor devices.~~

~~g. All groundwater utilized in water to air heating and air conditioning systems must be directed to landscape irrigation systems, groundwater injection or exfiltration systems. Off-site discharge from heating and air conditioning systems is prohibited.~~

~~(2) *Water shortage restrictions.*~~

~~a. Level II shortage corresponds to Volusia County Level II that corresponds to the district's phase II severe water shortage plan (as of 1999) and all provisions therein. The use of water for landscape irrigation is allowed only during the following times: Two days a week from 4:00--8:00 a.m. and 4:00--8:00 p.m. (5:00--9:00 p.m. during daylight savings time) for manual irrigation systems and 4:00--8:00 a.m. only for automatic irrigation systems. Even addresses can water at these times on Thursdays and Sundays, odd addresses on Wednesdays and Saturdays. On Mondays, Fridays and Tuesdays, no watering is permitted. Hand watering is not permitted between 10:00 a.m. and 4:00 p.m. Level II may be declared at any time based on policies and procedures established in section 17.3-83. Irrigation of new installations of less than five acres in size may be allowed Monday, Wednesday and Friday for 30 days during the hours of 2:00--8:00 a.m.~~

~~b. Level III shortage corresponds to the Volusia County Level III and the district's phase III extreme water shortage plan (as of 1999) and all provisions therein. Even addresses can water on Sundays only, odd addresses on Saturdays only from 4:00--7:00 a.m. and 4:00--7:00 p.m. (5:00--8:00 p.m. during daylight savings time) for manual irrigation systems and 4:00--8:00 a.m. only for automatic irrigation systems. Hand watering is not permitted between 10:00 a.m. and 4:00~~

~~p.m. Level III may be declared at any time based on policies and procedures established in section 17.3-83. Irrigation of plantings installed prior to Level III must follow restrictions specified in section 17.3-84(a)(1)e. Irrigation of new installations of less than five acres in size may be allowed Monday, Wednesday and Friday for 30 days during the hours of 2:00-7:00 a.m. e. Level IV shortage corresponds to the district's phase IV critical water shortage plan and all provisions therein as set forth in F.A.C. 40C-21.651. In addition, the use of water for landscape irrigation purposes by manual irrigation systems is allowed during the evening from 6:00-7:00 p.m. on the specific days and street addresses permitted by the district in the above described phase IV critical water shortage plan requirements. In the event that said district declares a phase IV critical water shortage plan, said district requirements shall supersede this provision.~~  
~~(3) *Duration of restrictions.* Although the district shortage rule may revise the specific irrigation hours and days permissible under different levels of shortage, the Volusia County shortage levels as established in Chapter 50 of the Volusia County Code will remain in effect, unless the district rules applied at any time are more restrictive.~~  
(Ord. No. 356, Exh. A, 6-24-08)

#### Sec. 17.3-85. Additional Requirement

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

#### ~~General water use provisions:~~

~~In addition to the levels of water conservation and use provisions as set forth in section 17.3-84 of this division, excessive, wasteful and unnecessary water use is also prohibited. Excessive, wasteful and unnecessary water use includes, but is not limited to:~~

- ~~(a) Allowing water to be dispersed without any practical purpose to the water user, regardless of the type of water use;~~
  - ~~(b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and~~
  - ~~(c) Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods of significantly less water use.~~
- (Ord. No. 356, Exh. A, 6-24-08)

#### Sec. 17.3-86. Variance From Specific Day Of The Week Limitations

A variance from the specific landscape irrigation days or day set forth in Section 3 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 different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

~~Exemptions:~~

~~(a) New landscaping consisting of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora which have been planted less than 30 days are exempt from the base water conservation and use landscaping irrigation provisions. Irrigation of new plantings must follow restrictions specified in subsection 17.3-84(a)(1)c. However, after 30 days, the provisions of this division shall apply.~~

~~(b) Water to air heating and air conditioning systems conforming to the provisions of this division shall be exempt from the provisions of section 17-3.83 but not section 17-3.84. Use of this water must comply with Chapter 74 of the Volusia County Code.~~

~~(c) Legitimate agricultural pursuits are exempt from the provisions of division 2, Water Conservation, as long as they follow the provisions of the district.~~

~~(d) Water used for construction purposes are exempt from the provisions of this division.~~

~~(e) Watering of clay or clay type recreational courts is exempt from the base water conservation and use provisions.~~

~~(Ord. No. 356, Exh. A, 6-24-08)~~

Sec. 17.3-87. Application Of Division

The provisions of this Division shall apply to each person located within the City of Orange City.

~~Variances:~~

~~(a) When the city finds that compliance with any of the requirements of this division would result in undue hardship for a specific user, a variance from any one or more such requirements may be granted by the city manager or his designee following petition for variance to the city manager provided the variance is the minimum necessary to alleviate such undue hardship for the user and to the extent such variance can be granted without impairing the intent and purpose of this division 2, Water Conservation.~~

~~(b) All users requesting a variance from the provisions of this division shall file a petition for variance but must conform to the greatest possible extent to the water use restrictions of this division until such variance is granted.~~

~~(c) A petition for variance shall be in writing and contain the following:~~

~~(1) The petitioner's name and address;~~

~~(2) The specific provision from which the petitioner is requesting a variance;~~

~~(3) A detailed statement of the facts, which the petitioner believes, demonstrates that the request qualifies for variance under subsection (d);~~

~~(4) A description of the variance desired;~~

~~(5) The period of time for which the variance is sought including the reasons and facts in support thereof;~~

~~(6) The damage or harm resulting or which may result to the petitioner from compliance with the provision;~~

~~(7) The steps the petitioner is taking to meet the provisions from which the variance is sought and when compliance could be achieved;~~

~~(8) Other relevant information the petitioner believes supports his petition for variance.~~

~~(d) No petition for variance shall be approved unless the petitioner affirmatively demonstrates that one or more of the following circumstances exist:~~

- ~~(1) The variance is essential to protect health or safety;~~  
~~(2) Compliance with the provision from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished;~~  
~~(3) Compliance with the provision from which a variance is sought will result in substantial economic, social or health burden on the petitioner or those served by the petitioner; or~~  
~~(4) Alternative restrictions, which achieve the same level of demand reduction as the provision, are available and reflect the intent and purpose of this division.~~  
(Ord. No. 356, Exh. A, 6-24-08)

**Sec. 17.3-88. Enforcement Officials and Penalties**

Division 2, Water Conservation shall be enforced by citation to the appropriate court, hearing officer, city manager or code enforcement board, except where prohibited by law or statute.

~~Initial enforcement of this division shall be as follows:~~

Enforcement personnel means those personnel duly authorized by the city for the purposes of maintaining compliance with the provisions of this division. This shall include, but not be limited to, state officials, county officials, district, or any duly authorized agency officials, code enforcement officers, law enforcement officers, employees of the fire department, water meter readers, utility personnel/public works employees and other duly designated employees or agents of the city so designated by the city manager.

**Sec. 17.3-89. Penalties**

- (a) Enforcement personnel as defined in subsection 17.3-82(c) are authorized to issue a citation to a person when, based upon personal observation and/or investigation the enforcement personnel has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted city code or ordinance. However, prior to issuing a citation, enforcement personnel shall provide notice that the person has committed a violation of 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 ten calendar days. If, upon personal investigation or observation, enforcement personnel find that the person has not corrected the violation within the time period, enforcement personnel may issue a citation to the person who has committed the violation in accordance with the penalties under subsections (b), (c), and (d) below.
- (b) Penalty for a first-time violation shall be a written warning delivered or sent to the violator along with a copy of the restrictions. A door tag is sufficient warning.
- (c) Penalty for second-time violation shall be as set forth by resolution.
- (d) Penalty for each succeeding violation shall be as set forth by resolution. Each day of noncompliance is considered a separate violation.
- (e) Any violations occurring after the ten-day period shall be considered separate violations when considering the application of penalties. Nothing herein is intended to legalize any violations that occur following the ten-day period, and no other warning shall be deemed necessary.
- (f) Enforcement personnel shall issue a notice of a citation in a form prescribed by the city.
- (g) In the event that full compliance is not met with the issuance of the first written warning, citation fines may be charged to the violator's utility bill, and if not paid within the standard period allowed to pay the utility bill, the violator's water service shall be discontinued until such fine is paid in full.

**(h) Penalties for watering restriction violations shall be paid to the utilities department of the city.**

**(Ord. No. 356, Exh. A, 6-24-08)**

**Secs. 17.3-90--17.3-110. Reserved.**