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Interoffice Memorandum

January 14, 2022

To: Katie Smith, Manager
Comptroller Clerk's Office
Through: Cheryl Gillespie, Agenda Development Supervisor
Agenda Development
From: David D. Jones, P.E., CEP, Manager
Environmental Protection Division
(407) 836-1406



Staff Person: Elizabeth R. Johnson, CEP, Assistant Manager
Environmental Protection Division
(407) 836-1511

Subject: Request for Public Hearing on February 8, 2022, at 2:00 p.m., to Consider
Adoption of an Ordinance Amending Chapter 15, Article XVII, Fertilizer
Management Ordinance

=====

Type of Hearing: Amending Chapter 15, Article XVII, Fertilizer Management Ordinance
Hearing required by Florida Statute # or Code: Section 125.66, Florida Statutes
Advertising requirements: Publish once in a newspaper of general circulation in Orange County at least ten days prior to public hearing.
Advertising timeframes: At least ten days prior to public hearing.
Estimated time required For public hearing: 2 minutes.
Hearing Controversial: No.
District #: All Districts.

Spanish contact person: Para más información en español acerca de estas reuniones públicas, favor de llamar a la División de Protección Ambiental, 407-836-1400.

Special Instructions to Clerk:

Once the Board of County Commissioners makes a decision on the proposed revisions to Chapter 15, Article XVII, Fertilizer Management Ordinance, please submit the decision letter to Liz Johnson with EPD.

Materials being submitted as backup for public hearing request:

1. A copy of the draft proposed ordinance.

ERJ/DJ: jk

Attachments

c: Chris Testerman, AICP, Deputy County Administrator  
Jon V. Weiss, P.E., Director, Planning, Environmental, and Development Services Department  
Joel D. Prinsell, Deputy County Attorney

ORDINANCE NO. 2022-\_\_\_

AN ORDINANCE AMENDING THE ORANGE COUNTY CODE, CHAPTER 15, ARTICLE XVII, PERTAINING TO FERTILIZER MANAGEMENT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

*Section 1. Amendments; In General.* Article XVII, Chapter 15 of the Orange County Code is hereby amended as set forth in Section 2, with additions being shown as underlined and deletions being shown as ~~strike-throughs~~.

*Section 2. Amendments to Article XVII, Fertilizer Management Ordinance.* Article XVII, Fertilizer Management Ordinance is amended to read as follows:

CHAPTER 15

ARTICLE XVII

FERTILIZER MANAGEMENT ORDINANCE

**Sec. 15-800. Findings and purpose.**

In order to protect Orange County's surface waters, groundwater, and springs from excessive or improper use of fertilizers, the board hereby creates an ordinance that regulates the use and application of fertilizer containing nitrogen or phosphorus, establishes training requirements, and sets a prohibited application period for fertilizer containing nitrogen or phosphorus within the county. As a result of impairment to Orange County's surface waters and contamination of ground waters caused by excessive nutrients, or as a result of increasing levels of nitrogen detected in the surface or ground water within the aquifers or springs within the boundaries of the county, the board has determined that additional fertilizer management measures are required to prevent overuse of fertilizers that contain nitrogen or phosphorus on lands within the county and avoid further water quality degradation.

36 ~~As a result of impairment to the county's surface waters,~~  
groundwater, and springs caused by excessive nutrients, the county  
38 ~~has determined that the improper use of fertilizers on land creates a~~  
~~risk of contributing to adverse effects on surface and groundwater.~~  
40 ~~This ordinance regulates the proper use and application of fertilizer,~~  
~~training requirements, and restricted application periods in the~~  
~~county.~~

42 ~~Orange County's Environmental Protection Division will provide~~  
~~to the board of county commissioners a summary of data collected~~  
44 ~~and current research related to excessive nutrients for evaluation and~~  
~~consideration of ordinance revisions on or before December 31,~~  
46 ~~2019.~~

**Sec. 15-801. Definitions.**

48 *Apply* or *application* means the physical deposit, placement, or  
release of fertilizer upon soil, turf, or landscape plants.

50 *Applicator* means any person who applies fertilizer.

52 *Article* means chapter 15, article XVII, of the Orange County  
Code of Ordinances, as amended, unless otherwise specified.

54 *Best management practices (BMPs)* means the practice or  
combination of practices based on research, field testing and expert  
56 review, determined to be the most effective and practicable on-  
location means, including economic and technological  
58 considerations, for improving water quality, conserving water  
supplies and protecting natural resources.

60 *Code enforcement officer* means any designated employee or  
agent of Orange County, Florida authorized to enforce codes and  
ordinances enacted by Orange County.

62 *Commercial applicator* means any person who applies fertilizer in  
exchange for money, goods, services or other valuable consideration  
64 and who is required by law, ordinance, or regulation to obtain an  
Orange County local business tax certificate.

66 *Fertilizer* means any substance or mixture of substances,  
excluding pesticides, ~~organic composts, and fertilizer derived from~~  
68 ~~biosolids~~, that contains one (1) or more recognized plant nutrients  
and promotes plant growth, or controls soil acidity or alkalinity, or  
70 provides other soil enrichment, or provides other corrective  
measures to the soil.

72 *Guaranteed analysis* means the percentage of plant nutrients or  
74 measures of neutralizing capability claimed to be present in a  
fertilizer.

76 *Golf course* means any public or private area of land designed and  
used exclusively for playing or practicing golf, including tees,  
78 fairways, greens, rough areas, hazards and driving ranges (stand-  
alone ranges or those associated with a golf course). A golf course  
80 shall also include the following uses if they are accessory to the  
above uses: clubhouses, and all facilities adjacent to and associated  
82 with the daily operations of the above-referenced areas. Golf-related  
structures or features on residentially zoned private land shall not  
constitute a golf course.

84 ~~*Groundcover* means plants used in mass as alternative to turf or  
86 lawn and/or to create variety in landscape; usually not having a  
mature height over two (2) feet tall.~~

88 *Institutional applicator* means any person other than a private,  
non-commercial or a commercial applicator (unless such definitions  
90 also apply under the circumstances), that applies fertilizer for the  
purpose of maintaining turf or landscape plants. Institutional  
92 applicator shall include, but not be limited to, owners, managers or  
employees of public lands, schools, parks, religious institutions,  
94 utilities, industrial or business sites, and any residential properties  
maintained in condominium or common ownership.

96 *Landscape plants* means any shrub, tree, or groundcover,  
excluding turf, ~~and vegetable gardens, and landscape features that~~  
serve as a food source for humans.

98 *Low maintenance zone* means an area a minimum of ten (10) feet  
wide adjacent to water courses that is planted, preferably with native  
100 or Florida-Friendly Landscaping™, and managed in order to  
minimize the need for fertilization, watering, or mowing.

102 *Person* means any ~~person,~~ natural or artificial person, individual,  
firm, association, organization, partnership, business trust,  
104 corporation, company, agent, employee, or any other legal entity,  
the United States of America, and the State of Florida and all  
106 political subdivisions, regions, districts, municipalities, and public  
agencies.

108 ~~*Restricted season* means the period from June 1 through  
September 30.~~

110 *Prohibited application period* means the time period during which  
a Flood Watch or Warning, or a Tropical Storm Watch or Warning,

112 or a Hurricane Watch or Warning is in effect for any portion of  
114 Orange County, issued by the National Weather Service, or if more  
than two inches are forecasted within a 24-hour period.

116 *Reclaimed water* means highly treated wastewater or other water  
sources meeting the requirements of chapter 62-610, F.A.C., and  
that is suitable for direct, non-potable, beneficial reuse.

118 *Saturated soil* means soil in which the voids are filled with water.  
120 Saturation does not require flow. For the purposes of this article,  
soils shall be considered saturated if standing water is present or the  
122 pressure of a person standing on the soil causes the release of free  
water.

124 *Slow release* means nitrogen in a form ~~that~~<sup>which</sup> delays its  
availability for plant uptake and use for an extended period after  
126 application, or ~~that~~<sup>which</sup> extends its availability to the plant longer  
than a readily available, rapid, ~~or~~ quick-release product. This  
128 definition includes the terms “controlled release,” “timed release,”  
“slowly available,” and “water insoluble.”

130 *Turf, sod, or lawn* means a piece of grass-covered soil held  
together by the stems and roots of the grass, ~~mat layer of~~  
monocotyledonous plants, including but not limited to, Bahia,  
132 Bermuda, Centipede, Paspalum, St. Augustine, or Zoysia.

**Sec. 15-802. Applicability and notice of requirements.**

134 (a) Consistent with section 704 of the Orange County Charter,  
136 this ordinance shall be applicable throughout all of Orange County,  
except in municipalities that have minimum standards for the  
138 regulation of fertilizer application that are no less strict than those in  
this article.

140 (b) Any business that sells fertilizer shall prominently display,  
at the point of distribution, ~~post~~ a notice to customers that the use of  
142 lawn and landscape fertilizers containing nitrogen or phosphorus  
within the county is restricted in accordance with this article. This  
144 notice shall be provided by the county ~~stating that the use of lawn~~  
and ~~landscape fertilizers in the county is restricted in accordance~~  
with this chapter.

146 **Sec. 15-803. Timing of fertilizer application. Weather and**  
147 **seasonal restricts.**

148 ~~(a) No fertilizer containing nitrogen or phosphorus shall be~~  
149 ~~applied to turf or landscape plants during a period for which the~~  
150 ~~National Weather Service has issued any of the following advisories~~  
151 ~~for any portion [of] the county: a severe thunderstorm warning or~~  
152 ~~watch, flood warning or watch, tropical storm warning or watch, or~~  
~~hurricane warning or watch.~~

154 (a) No applicator shall apply fertilizer containing nitrogen or  
155 phosphorus to turf or landscape plants during the prohibited  
156 application period or to saturated soils.

157 ~~(b) No person, except applicators certified pursuant to section~~  
158 ~~15-809 herein, shall apply fertilizer containing nitrogen or~~  
159 ~~phosphorus to turf or landscape plants during the restricted season~~  
160 ~~from June 1 through September 30.~~

161 (c) Fertilizer containing nitrogen shall not be applied before  
162 seeding or sodding a site, and shall not be applied for the first thirty  
163 (30) days after seeding or sodding, except when hydro-seeding for  
164 temporary or permanent erosion control in an emergency situation  
165 (e.g., wildfire), or in accordance with the Stormwater Pollution  
166 Prevention Plan for that site.

167 **Sec. 15-804. Fertilizer content; application rate.**

168 ~~(a) No fertilizer shall be used unless labeled in accordance with~~  
169 ~~state law.~~

170 (a) Fertilizers applied to turf or lawn within the county shall be  
171 labeled and applied in accordance with the requirements and  
172 directions provided in rule 5E-1.003, F.A.C., unless otherwise  
173 specified in this section.

174 ~~(b) Notwithstanding section 15-803, No fertilizer containing~~  
175 ~~phosphorus shall not be applied to any turf or landscape plants.~~  
176 ~~Provided, however, except where a phosphorus deficiency has been~~  
177 ~~demonstrated in the soil by a soil analysis test performed by a~~  
178 ~~laboratory using University of Florida's Institute of Food and~~  
179 ~~Agricultural Sciences ("UF/IFAS") approved methodology,~~  
180 ~~phosphorus If a soil deficiency is demonstrated, phosphorus may~~  
181 ~~then be applied at a rate no greater than one-quarter (0.25) of one (1)~~  
182 ~~pound of phosphorus per one thousand (1,000) square feet per~~  
183 ~~application, not to exceed one-half (0.5) pound of phosphorus per~~  
184 ~~one thousand (1,000) square feet per year. Any person who obtains~~  
~~such a soil analysis test showing a phosphorus deficiency may apply~~

186 ~~phosphorus and~~ shall provide the test results to the Orange County  
188 Environmental Protection Division, Attention: Manager within  
thirty (30) days of receipt of results.

190 (c) Notwithstanding section 15-803, No fertilizer containing  
192 nitrogen may only shall be applied if the nitrogen content is sixty-  
194 five (65) unless at least fifty (50) percent or greater of its nitrogen  
196 content is slow release as indicated on the Guaranteed Analysis  
198 label, with no more than one (1) pound total nitrogen per one  
200 thousand (1,000) square feet of area per application not to exceed  
202 three (3) pounds of nitrogen per one thousand (1,000) square feet  
per year. Commercial applicators may apply fertilizer at a rate that  
does not exceed one-half (0.5) of one (1) pound of readily available  
nitrogen per one thousand (1,000) square feet of area, provided  
however that any application that exceeds one-half (0.5) of one (1)  
pound of nitrogen conforms with this subsection. This requirement  
shall change to at least sixty five (65) percent slow release if the  
product is readily available on the local commercial market by July  
1, 2020.

204 ~~(d) Notwithstanding section 15-804(c), commercial~~  
206 ~~applicators may apply fertilizer at a rate that does not exceed one-~~  
208 ~~half (0.5) of one (1) pound of readily available nitrogen per one~~  
~~thousand (1,000) square feet of area, provided, however, that any~~  
~~application that exceeds one-half (0.5) of one (1) pound of nitrogen~~  
~~shall conform to subsection 15-804(e).~~

210 ~~(e) Notwithstanding any other provision of this section 15-804,~~  
212 ~~fertilizers applied to turf must follow the guidelines found in Rule~~  
~~5E-1.003, F.A.C., as it may be amended.~~

214 (d) Where reclaimed water is available for irrigation, the  
216 fertilizer application rates herein shall be reduced in proportion to  
the nitrogen or phosphorus content of the water provided by the  
reclaimed water provider.

**Sec. 15-805. Fertilizer-free zones.**

218 (a) No fertilizer shall be applied within ~~fifteen (15)~~ twenty-five  
220 (25) feet of any surface waters or a wetland adjacent to or surface  
waters, including but not limited to a lake, spring, seep, pond,  
stream, water body, water course, or canal.

222 (b) No fertilizer shall be deposited, washed, swept, or blown off,  
224 intentionally or inadvertently, onto any impervious surface, public  
right-of-way, public property, stormwater drain, inlet, ditch,  
conveyance, pond, or water body. Any fertilizer applied, spilled, or



226 deposited, either intentionally or accidentally, on any impervious  
228 surface shall be immediately ~~and completely~~ removed to the greatest  
230 extent practicable. Fertilizer released on an impervious surface must  
be immediately contained and either legally applied to turf or  
landscape plants or any other legal site, or returned to the original or  
other appropriate container.

232 (c) A low-maintenance zone is strongly recommended, ~~though~~  
~~not required~~, for all areas within ten (10) feet of the normal high  
234 water elevation of any lake, pond, stream, water body, water course  
236 or canal, or any wetland, excluding permitted stormwater ponds.  
Low-maintenance zones should be planted and managed in such a  
238 way as to minimize the need for watering, mowing, and other active  
maintenance. No mowed or cut vegetative material may be  
240 deposited or left remaining in this zone or deposited in the water.  
Care should be taken to prevent over-spray of aquatic weed control  
products in this zone.

242 **Sec. 15-806. Mode of application.**

Broadcast spreaders applying fertilizers must be equipped with  
244 deflector shields positioned to deflect fertilizer from all fertilizer-  
free zones, impervious surfaces, rights-of-way, stormwater drains,  
246 ditches, conveyances, and water bodies, including but not limited to  
any lake, spring, seep, pond, stream, water course or canal.

248 **Sec. 15-807. Grass clippings and vegetative material/ or**  
**debris.**

250 Grass clippings ~~and/or~~ vegetative material/ or debris shall not be  
252 deposited, washed, swept, or blown off, intentionally or  
inadvertently, onto any impervious surface, public right-of-way,  
stormwater drain, inlet, ditch, conveyance, pond, or water body.  
254 Any material or debris that is deposited into or that may block  
stormwater infrastructure shall be immediately removed and  
256 properly disposed or reincorporated into the landscape to the  
maximum extent practicable and consistent with this article.

258 **Sec. 15-808. Exemptions; exceptions.**

~~(a) Sections 15-805 through 15-810 of this article shall not~~  
260 ~~apply to golf courses; provided, however, fertilizer shall not be~~  
~~applied to golf courses in excess of the provisions set forth in Rule~~  
262 ~~5E-1.003(3), F.A.C., as it may be amended.~~

(a) Section 15-804 of this article shall not apply to golf courses  
264 when fertilizers are applied by or under the direction of a  
professional with a valid certification from the *Florida Golf Course*

266 Best Management Practices Certification Training, or its successor  
268 program, by UF/IFAS, and the fertilizer must be applied following  
270 the most current version of the FDEP Best Management Practices  
272 for the Enhancement of Environmental Quality on Florida Golf  
Courses. Golf courses shall provide proof of valid certification to  
Orange County Environmental Protection Division prior to June 1  
each year.

274 (b) ~~This article shall not apply to a~~ any bona fide farm operation  
276 ~~that the county is without authority to regulate with regard to~~  
~~fertilizer application pursuant to consistent with the Florida Right to~~  
~~Farm Act, F.S. (2016) § section 823.14, F.S et seq., or other~~  
~~applicable state law.~~

278 (c) This article shall not apply to properties that have pastures  
280 used for grazing livestock that are not subject to or covered under  
the Florida Right to Farm Act.

282 (d) This article shall not apply to any lands used for bona fide  
284 scientific research, including, but not limited to, research on the  
effects of fertilizer use on urban stormwater, water quality,  
agronomics, or horticulture.

286 ~~(e)~~(e) This article shall not apply to sports turf areas at parks and  
athletic fields.

288 (f) Sections 15-804(b) and (c) of this article shall not apply to  
290 vegetable or community gardens, defined as a plot of ground where  
292 herbs, fruits (fruit trees and shrubs), flowers, or vegetables are  
cultivated for human ingestion and not for commercial sale; and  
yard or food compost, mulches, or other similar materials that are  
primarily organic in nature and applied to improve the physical  
condition of the soil.

294 **Sec. 15-809. Training requirements; proof of compliance.**

296 ~~(a) No commercial applicator shall cause fertilizer to be applied,~~  
298 ~~except at his or her own residence, without a valid limited~~  
~~certification for urban landscape commercial fertilizer application~~  
~~from the Florida Department of Agriculture and Consumer Services,~~  
~~as specified in section 15-809(c).~~

300 ~~(b) Each commercial applicator shall ensure that each applicator~~  
302 ~~he or she employs has a valid limited certification for urban~~  
~~landscape commercial fertilizer application from the Florida~~  
~~Department of Agriculture and Consumer Services prior to the~~  
304 ~~application of fertilizer.~~

306 ~~(c) Possession of a valid limited certification for urban~~  
307 ~~landscape commercial fertilizer application from the Florida~~  
308 ~~Department of Agriculture and Consumer Services or the Florida~~  
309 ~~Department of Environmental Protection's *Florida Friendly Best*~~  
310 ~~*Management Practices for Protection of Water Resources by the*~~  
311 ~~*Green Industries* training by UF/IFAS shall suffice as evidence of~~  
312 ~~completion of a county approved best management practices~~  
~~training program.~~

314 (a) Any commercial applicator that applies fertilizer within the  
315 county shall have and carry in their possession at all times during  
316 application, evidence of certification by the Florida Department of  
317 Agriculture and Consumer Services as a commercial fertilizer  
318 applicator pursuant to rule 5E-14.117(11), F.A.C., and section  
319 482.1562, F.S. All such commercial applicators must submit proof  
320 of certification to Orange County Environmental Protection  
Division to receive an applicator decal and shall affix the decal  
provided to all vehicles used during fertilizer application.

322 (b) Any institutional applicator that applies fertilizer within the  
323 county shall abide by and successfully complete the six-hour  
324 training and continuing education requirements in the *Florida-*  
325 *Friendly Best Management Practices for Protection of Water*  
326 *Resources by the Green Industries*, offered by the Florida  
327 Department of Environmental Protection through the UF/IFAS  
328 "Florida-Friendly Landscaping<sup>TM</sup>" program. All such institutional  
329 applicators must submit proof of training to Orange County  
330 Environmental Protection Division to receive an applicator decal  
331 and shall affix the decal provided to all vehicles used during  
332 fertilizer application.

334 ~~(d)(c) Non-commercial and non-institutional applicators shall~~  
335 ~~follow the recommendations of the Orange County office of the~~  
336 ~~UF/IFAS *Florida Yards and Neighborhoods* program (or its~~  
337 ~~successor) when applying fertilizers. In the event of a conflict~~  
338 ~~between any provision contained within this article and the *Florida*~~  
339 ~~*Yards and Neighborhoods* program, the requirements of this article~~  
340 ~~shall apply. provide proof on an annual basis of successful~~  
341 ~~completion of the online training "Orange County Fertilizer~~  
342 ~~Application Education Course for Citizens" on the Orange County~~  
~~fertilizer web page.~~

344 ~~(e) Certified applicators must show proof of training on all~~  
~~vehicles used during applications.~~

**Sec. 15-810. Commercial applicators; business tax certificate.**

346 Prior to obtaining or renewing an Orange County local business  
348 tax certificate for a business that provides landscape services that  
350 include fertilizer application, each commercial applicator shall  
352 provide proof of compliance with section 15-809(a) successful  
354 completion from county approved best management practices  
356 training programs within the previous three (3) years. Possession of  
358 a valid limited certification for urban landscape commercial  
fertilizer application from the Florida Department of Agriculture  
and Consumer Services or the Florida Department of Environmental  
Protection's Florida Friendly Best Management Practices for  
Protection of Water Resources by the Green Industries training by  
UF/IFAS shall suffice as evidence of completion of a county-  
approved best management practices training program.

**Sec. 15-811. Variances.**

360 ~~(a) All requests for a variance from the requirements of this~~  
362 ~~article shall be made in writing to the Manager of the Orange County~~  
364 ~~Environmental Protection Division. The manager may require the~~  
366 ~~applicant for a variance to provide such information as necessary to~~  
368 ~~carry out the purpose of this article. The manager may approve,~~  
370 ~~approve with conditions or deny requests for variances. A variance~~  
~~may be granted if strict application of the Orange County Fertilizer~~  
~~Management Ordinance would lead to unreasonable or unfair results~~  
~~in particular instances, provided that the applicant demonstrates~~  
~~with particularity that compliance will result in a substantial~~  
~~economic, health or other hardship on the applicant requesting the~~  
~~variance or those served by the applicant.~~

372 ~~(b) Variances may be issued by the manager only upon~~  
~~satisfaction of the following:~~

374 ~~(1) A showing of good and sufficient cause by the applicant and~~  
~~that the cause is not self imposed, and~~

376 ~~(2) A determination by the manager that the variance is the~~  
~~minimum necessary to afford relief, and~~

378 ~~(3) A determination by the manager that failure to grant the~~  
380 ~~variance would result in a practical difficulty or a physical hardship~~  
~~affecting the applicant's economic use of the property, and~~

382 ~~(4) A determination by the manager that the granting of the~~  
384 ~~variance will not result in threats to the health, safety and welfare of~~  
~~the residents of the county or conflict with existing local laws or~~  
~~ordinances.~~

386 ~~(c) Any person aggrieved by the decision of the manager may~~  
387 ~~appeal pursuant to the provisions of section 15-38.~~

388 (a) Generally. An applicant may apply for a variance from a  
389 requirement of this article to Orange County Environmental  
390 Protection Division and must pay a non-refundable variance  
391 processing fee. Review of the variance application will not begin  
392 until the fee is paid in full and payment does not guarantee approval  
of the variance request. At a minimum the applicant must provide  
information that:

394 (1) Identifies the section(s) of this article from which a variance  
is requested and the extent of the requested variance;

396 (2) Describes the impact of the requested variance on the  
397 environment, using valid scientific data, including any  
398 receiving waters (ground water and surface water) in the  
county;

400 (3) Explains the effect of the requested variance on any existing  
401 nutrient impairments, or Total Maximum Daily Loads  
402 adopted for the receiving waters, using valid scientific data;

404 (4) Describes how strict compliance with the identified section  
405 would impose a unique, substantial and unnecessary  
406 hardship on the applicant or how literal application of the  
407 section affects the applicant in a manner significantly  
408 different from the way it affects other similarly situated  
persons who are subject to the rule;

410 (5) Explains why the unique, substantial and unnecessary  
411 hardship is not self-imposed or self-created; and

412 (6) Explains how the purpose of this article will be achieved by  
the requested variance.

414 (b) Procedure. The environmental protection officer shall  
415 render a written recommendation to approve, approve with  
416 conditions, or deny the variance application and schedule a hearing  
417 on the request before the Environmental Protection Commission  
418 (EPC). The EPC shall render a recommendation to the board to  
419 approve, approve with conditions, or deny the variance application.  
420 The recommendation of the EPC will be timely provided to the  
board and the board may accept the recommendation or schedule for  
a public hearing.

422 (c) Criteria. A variance application may receive an approval or  
an approval with conditions if it is determined that that strict

424 application of this article would lead to unreasonable or unfair  
426 results. The final decision granting or denying the variance request  
shall contain a statement of the relevant facts or data and reasons  
428 supporting the decision. In addition, it should be determined by the  
county that granting the variance:

430 (1) Would not negatively impact the receiving water body or the  
environment;

(2) Would not be contrary to the public interest;

432 (3) Where, owing to special conditions or circumstances, strict  
compliance with the provisions herein would impose a  
434 unique, substantial and unnecessary hardship on the  
applicant that is not self-imposed or self-created; and

436 (4) Would not be contrary to the intent and purpose of this  
ordinance.

438 **Sec. 15-812. Enforcement and penalty.**

(a) It shall be unlawful for any person to violate any provision  
440 of this article, except section 15-802(b), or any provision of any  
regulation resolution enacted pursuant to the authority of this article.  
442 Every code enforcement officer is authorized to enforce the  
provisions of this article. Any applicator person who violates any  
444 provision of this article, except section 15-802(b), or any provision  
of any regulation resolution enacted pursuant to the authority of this  
446 article, shall be subject to the following penalties: may be  
prosecuted in accordance with chapter 11. Each day such a violation  
448 continues shall be considered a separate offense.

(1) ~~First violation: Written notice.~~

450 (2) ~~Second violation: Fine of fifty dollars (\$50.00), except for~~  
~~commercial applicators it shall be five hundred dollars (\$500.00).~~

452 (3) ~~Third and subsequent violations: Fine of one hundred dollars~~  
~~(\$100.00), except for commercial applicators it shall be seven~~  
454 ~~hundred fifty dollars (\$750.00).~~

(b) In addition to the enforcement provisions provided, the  
456 county may avail itself of any other legal or equitable remedy  
available to it including, without limitation, injunctive relief, in the  
458 enforcement of any provision of this article or any provision of any  
resolution enacted pursuant to the authority of this article. Any  
460 person violating this article shall be held liable for all costs incurred  
by the county in connection with enforcing this article, or any

462 resolution enacted pursuant to the authority of this article including,  
but not limited to, attorney's fees.

464 **Secs. 15-813 — 15-819. Reserved.**

*Section 3. Effective Date.* This ordinance shall become effective as provided by  
466 general law.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

468 **ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

470  
472 By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

474  
476 ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk to the Board of County Commissioners

478  
480 By: \_\_\_\_\_  
Deputy Clerk

482