

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. 1178

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING CODE OF ORDINANCES, CHAPTER 159, ARTICLE 5, WATER CONSERVATION; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on December 14, 2021, the Board of County Commissioners adopted an ordinance amending Chapter 159, Article 5, General Ordinances in order to implement the South Florida Water Management District’s rule for mandating Year-Round Landscape Irrigation Conservation Measures; and

WHEREAS, the State has enacted Section 163.211, Florida Statutes, pre-empting occupational licenses to the State and superseding any local government licensing requirements of certain occupations including the licensing of irrigation system contractors; and

WHEREAS, in order to comply with the statute, this ordinance would delete the reference to the licensing of irrigation system contractors by local government as part of the definition of Licensed Contractor found in Section 159.132, General Ordinances and add the certification of irrigation specialty contractors by the State pursuant to Rule 61G4-15.035, Florida Administrative Code, to the same definition; and

WHEREAS, Martin County finds and declares that the proposed ordinance is appropriate, and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA THAT:

PART I. AMENDMENT OF CHAPTER 159, ARTICLE 5, WATER CONSERVATION, GENERAL ORDINANCES, MARTIN COUNTY CODE.

Added language is underlined; deleted language is ~~struckthrough~~

Section 159.132, Definitions, is hereby amended as follows:

Sec. 159.132. - Definitions

A. The following terms and phrases when used in this ordinance, whether in the singular or plural or if the first letter is capitalized or in lower case, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

24. “Licensed Contractor” means an individual who is duly certified or licensed in irrigation systems contracting by the State of Florida ~~or local government~~, including but not limited to, irrigation specialty contractors (pursuant to Rule 61G4-15.035 of the Florida Administrative Code and as amended), engineers, landscape architects, and plumbers.

PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan.

PART III. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

PART IV. APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

PART V. FILING WITH DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, F.A.C., and file same with the Florida Department of State via electronic transmission.

PART VI. EFFECTIVE DATE.

This ordinance shall take effect on June 12, 2022.

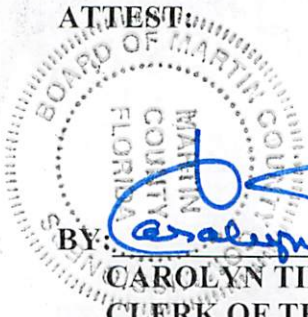
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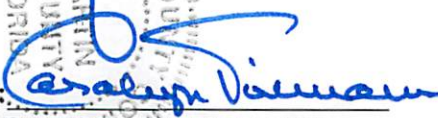
PART VII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts II through VII shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS 5TH DAY OF APRIL, 2022.

ATTEST:



BY: 
**CAROLYN TIMMANN
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

BY: 
DOUG SMITH, CHAIRMAN

**APPROVED AS TO FORM
& LEGAL SUFFICIENCY:**

BY: 
**SARAH W. WOODS
COUNTY ATTORNEY**