

1 SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S MODEL WATER  
2 CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION

3  
4 ORDINANCE NO. \_\_\_\_\_  
5

6 AN ORDINANCE OF THE [COUNTY/CITY], FLORIDA; PROVIDING  
7 FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-  
8 ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES  
9 RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
10 (40E-24, F.A.C.); PROVIDING DEFINITIONS; PROVIDING FOR THE  
11 APPLICABILITY OF THE ORDINANCE; PROVIDING THE  
12 LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS  
13 TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A  
14 REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR  
15 INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF  
16 SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE  
17 SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR  
18 ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR  
19 PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING  
20 FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR THE  
21 REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR  
22 SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.  
23

24 WHEREAS, the South Florida Water Management District (District) has the  
25 responsibility and exclusive authority under Chapter 373, Florida Statutes (F.S.), for  
26 regulating the consumptive use of water; and  
27

28 WHEREAS, the District has promulgated Chapter 40E-2, Florida Administrative  
29 Code (F.A.C), for the consumptive use of water which includes Rule 40E-2.061, F.A.C.,  
30 General Consumptive Use Permits by Rule, regulating landscape irrigation at a single  
31 family dwelling or duplex, and Rule 40E-2.071, F.A.C., Noticed General and Individual  
32 Permits, regulating larger landscape irrigation users; and  
33

34 WHEREAS, the District promulgated and amended Chapter 40E-24, F.A.C.,  
35 requiring year-round irrigation conservation measures; and  
36

37 WHEREAS, Chapter 40E-24, F.A.C., applies to all users as defined in subsection  
38 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2,  
39 F.A.C.; and  
40

41 WHEREAS, Chapter 40E-24, F.A.C., calls for year-round and permanent  
42 landscape irrigation restrictions, separate and independent from water shortage  
43 declarations, in accordance with Chapter 40E-21, F.A.C.; and  
44

1 WHEREAS, Chapter 40E-24, F.A.C., applies to all landscape irrigation regardless  
2 of whether the water comes from ground or surface water, from a private well or pump,  
3 or from a public or private utility; and  
4

5 WHEREAS, Rule 40E-24.301, F.A.C., provides that local governments may adopt  
6 a landscape irrigation ordinance that achieves water conservation consistent with Rule  
7 40E-24.201, F.A.C., including variance and enforcement procedures; and  
8

9 WHEREAS, the District strongly encourages local governments to adopt an  
10 ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C.; and  
11

12 WHEREAS, it is the desire of the [Governing Body] of [County/City] to adopt such  
13 an Ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C.; and  
14

15 OR  
16

17 WHEREAS, the [Governing Body] of [County/City] desires to adopt the  
18 encouraged ordinance, including variance and enforcement procedures; and  
19

20 WHEREAS, the [Governing Body] of [County/City] finds and declares that the  
21 adoption of this Ordinance is appropriate, and in the public interest of this community.  
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE [GOVERNING BODY] OF  
24 [COUNTY/CITY], FLORIDA: Section \_\_\_\_\_. Sections \_\_\_\_ through \_\_\_\_, Code of  
25 Ordinances, are created to read:  
26

27 WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION  
28

29 Section 1. INTENT AND PURPOSE

30 It is the intent and purpose of this Ordinance to implement procedures that promote water  
31 conservation through the efficient use of landscape irrigation.  
32

33 Section 2. DEFINITIONS

34 For the purpose of this Ordinance, the following terms, phrases, words, and their  
35 derivatives shall have the meaning listed below. When not inconsistent with the context,  
36 words used in the present tense include the future, words in the plural include the singular,  
37 and words in the singular include the plural.  
38

- 39 (1) "Address" means the "house number" (a numeric or alphanumeric  
40 designation) that, together with the street name, describes the physical  
41 location of a specific property. This includes "rural route" numbers, but  
42 excludes post office box numbers. If a lot number in a mobile home park or  
43 similar community is used by the U.S. Postal Service to determine a delivery  
44 location, the lot number shall be the property's address. If a lot number in a  
45 mobile home park or similar residential community is not used by the U.S.  
46 Postal Service (e.g., the park manager sorts incoming mail delivered to the

1 community's address), then the community's main address shall be the  
2 property's address. If a property has no address, it shall be considered  
3 "even-numbered."  
4

5 (2) "Athletic Play Area" means all golf course fairways, tees, roughs, greens,  
6 and other athletic play surfaces; including, football, baseball, soccer, polo,  
7 tennis, and lawn bowling fields, and rodeo, equestrian, and livestock  
8 arenas.  
9

10 (3) "Consumptive Use Permit" (CUP) means a permit issued pursuant to  
11 Chapter 40E-2, F.A.C., authorizing the consumptive use of water.  
12

13 (4) "District" means the South Florida Water Management District, a  
14 government entity created under Chapter 373, F.S.  
15

16 (5) "Even Numbered Address" means an address ending in the numbers 0, 2,  
17 4, 6, 8, or rights-of-way or other locations with no address, or the letters A-  
18 M.  
19

20 (6) "Existing landscaping" means any landscaping which has been planted and  
21 in the ground for more than ninety (90) days.  
22

23 (7) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers,  
24 plants, vines, ornamental gardens, and such other flora not intended for  
25 resale, which are situated in such diverse locations as residential  
26 landscapes, recreation areas, cemeteries, public, commercial, and  
27 industrial establishments, public medians, and rights-of-way, except athletic  
28 play areas, as defined in Section 2(2).  
29

30 (8) "Landscape Irrigation" means the outside watering of shrubbery, trees,  
31 lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and  
32 such other flora not intended for resale, which are planted and situated in  
33 such diverse locations as residential landscapes, recreation areas,  
34 cemeteries, public, commercial, and industrial establishments, public  
35 medians, and rights-of-way, except athletic play areas.  
36

37 (9) "Law Enforcement Officials" *[County/City] should include the definition of a*  
38 *law enforcement, code enforcement, or any local government employee*  
39 *who may be responsible for enforcing this Ordinance.*  
40

41 (10) "Low Volume Hand Watering" means the watering of landscape by one (1)  
42 person, with one (1) hose, fitted with a self-canceling or automatic shutoff  
43 nozzle.  
44

45 (11) "Low Volume Irrigation" means the use of equipment and devices  
46 specifically designed to allow the volume of water delivered to be limited to

1 a level consistent with the water requirement of the plant being irrigated,  
2 and to allow that water to be placed with a high degree of efficiency in the  
3 root zone of the plant. The term also includes water used in mist houses  
4 and similar establishments for plant propagation. Overhead irrigation and  
5 flood irrigation are not included.  
6

7 (12) "Micro-irrigation" means the application of small quantities of water on or  
8 below the soil surface as drops or tiny streams of spray through emitter or  
9 applicators placed along a water delivery line. Micro-irrigation includes a  
10 number of methods or concepts, such as bubbler, drip, trickle, mist or  
11 microspray, and subsurface irrigation.  
12

13 (13) "New landscaping" means any landscaping which has been planted in the  
14 ground for ninety (90) days or less.  
15

16 (14) "Odd Numbered Address" means an address ending in the numbers 1, 3,  
17 5, 7, 9, or the letters N-Z.  
18

19 (15) "Reclaimed Water" means wastewater that has received at least secondary  
20 treatment and basic disinfection, and is reused after flowing out of a  
21 wastewater treatment facility as defined by Rule 62-40.210, F.A.C.  
22

23 (16) "User" means any person, individual, firm, association, organization,  
24 partnership, business trust, corporation, company, agent, employee, or  
25 other legal entity whether natural or artificial, the United States of America,  
26 and the State and all political subdivisions, regions, districts, municipalities,  
27 and public agencies thereof, which directly or indirectly takes water from the  
28 water resource, including uses from private or public utility systems, uses  
29 under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses  
30 from individual wells or pumps.  
31

32 (17) "Wasteful and Unnecessary" means allowing water to be dispersed without  
33 any practical purpose to the water use; for example, excessive landscape  
34 irrigation, leaving an unattended hose on a driveway with water flowing,  
35 allowing water to be dispersed in a grossly inefficient manner regardless of  
36 the type of water use; for example, allowing landscape irrigation water to  
37 unnecessarily fall onto pavement, sidewalks, and other impervious  
38 surfaces; or allowing water flow through a broken or malfunctioning water  
39 delivery or landscape irrigation system.  
40

41 (18) "Water Resource" means any and all water on or beneath the surface of the  
42 ground, including natural or artificial watercourses, lakes, ponds, or diffused  
43 surface water, and water percolating, standing, or flowing beneath the  
44 surface of the ground.  
45

46 (19) "Water Shortage" means when the District determines there is the possibility

1 that insufficient water will be available to meet the present and anticipated  
2 needs of the users, or when conditions are such as to require a temporary  
3 reduction in total use within a particular area to protect water resources from  
4 serious harm. A water shortage usually occurs due to drought.

- 5  
6 (20) "Water Shortage Emergency" means when the District determines the  
7 provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to  
8 protect the public health, safety, or welfare, the health of animals, fish, or  
9 aquatic life, a public water supply, or commercial, industrial, agricultural,  
10 recreational, or other reasonable-beneficial uses.

11  
12 **Section 3. APPLICABILITY**

13 The provisions of this Ordinance shall apply to each user, as defined in Section 2(16),  
14 providing landscape irrigation from all water resources within the boundaries of the  
15 [County/City/unincorporated areas of the County] with the following exceptions:

- 16 (a) The use of reclaimed water, which may or may not be supplemented from  
17 another source;  
18 (b) Irrigation at agricultural and nursery operations; and  
19 (c) Irrigation of athletic play areas.

20  
21 **Section 4. YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES**

22 The [County/City] adopts the rules of the South Florida Water Management District, listed  
23 in Subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions or corrections  
24 which are set out as follows:

- 25 (1) The year-round landscape irrigation conservation measures contained in  
26 this Ordinance are applicable to all users including permitted and exempt  
27 users under Chapter 40E-2, F.A.C., unless otherwise indicated. These  
28 conservation measures apply to all water resources, unless otherwise  
29 indicated. In addition to the requirements of this Section, all permitted users  
30 under Chapter 40E-2, F.A.C., are required to maintain compliance with all  
31 CUP conditions and terms, including requirements to implement water  
32 conservation practices.  
33 (2) It shall be the duty of each user to keep informed as to the landscape  
34 irrigation conservation measures within this Ordinance which affect each  
35 particular water use.  
36 (3) In addition to the specific conservation measures, all wasteful and  
37 unnecessary water use, as defined in Section 2(17), is prohibited.  
38 (4) The following requirements shall apply to all users, unless specified in  
39 Section 3 or Section 5.  
40 (a) Landscape irrigation shall be prohibited between the hours of 10:00  
41 a.m. and 4:00 p.m., except as otherwise provided.  
42 (b) Irrigation of existing landscaping shall comply with the following  
43 provisions:  
44 i. Even addresses, as defined in Section 2(5), installations with  
45 irrigation systems that irrigate both even and odd addresses  
46 within the same zones, such as multi-family units and

1 homeowners' associations, and rights-of-way or other locations  
2 with no address shall have the opportunity to accomplish  
3 necessary landscape irrigation two (2) days a week, only on  
4 Thursday and/or Sunday.

5 ii. Odd addresses, as defined in Section 2(13), shall have the  
6 opportunity to accomplish necessary landscape irrigation two (2)  
7 days a week, only on Wednesday and/or Saturday.

8 (c) Irrigation of new landscaping shall comply with the following  
9 provisions:

10 i. New landscaping may be irrigated once on the day it is installed  
11 without regard to the listed watering days and times. Irrigation  
12 of the soil immediately prior to the installation of the new  
13 landscaping is allowed without regard to the normal watering  
14 days and times.

15 ii. A ninety (90) day establishment period begins on the day the  
16 new landscaping is installed. The new landscaping shall be  
17 installed within a reasonable time from the date of purchase,  
18 which may be demonstrated with a dated receipt or invoice.

19 iii. Irrigation of new landscaping which has been in place for thirty  
20 (30) days or less may be accomplished on Monday, Tuesday,  
21 Wednesday, Thursday, Saturday, and/or Sunday.

22 iv. Irrigation of new landscaping which has been in place for thirty-  
23 one (31) to ninety (90) days may be accomplished on Monday,  
24 Wednesday, Thursday, and/or Saturday.

25 v. Irrigation of new landscaping is limited to areas only containing  
26 the new landscaping. An entire zone of an irrigation system  
27 shall only be utilized for landscape irrigation under this  
28 Subsection if the zone contains at least 50% new landscaping.  
29 If a zone contains less than 50% new landscaping, or if the new  
30 landscaping is in an area that will not typically be irrigated by an  
31 irrigation system, only the individual new plantings are eligible  
32 for additional irrigation. Targeted watering may be  
33 accomplished by low volume hand watering, as defined in  
34 Section 2(10), or any appropriate method which isolates and  
35 waters only the new landscaping.

36 (5) Any water shortage, as defined in Section 2(19), restrictions or other  
37 measures declared pursuant to Chapter 40E-21, F.A.C., or related District  
38 Governing Board or Executive Director orders which are more restrictive  
39 than a measure contained within this Ordinance, shall supersede this  
40 Ordinance for the duration of the applicable water shortage declaration.

41  
42 **Section 5. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES**

43 Landscape irrigation scheduling shall be subject to the following exceptions:

44  
45 (1) Landscape irrigation systems may be operated during restricted days  
46 and/or times for cleaning, maintenance, and repair purposes with an

1 attendant on site in the area being tested. Landscape irrigation systems  
2 may routinely be operated for such purposes no more than once per week,  
3 and the run time for any one (1) test should not exceed ten (10) minutes per  
4 zone.

5 (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides,  
6 pesticides, fungicides and herbicides, where such watering-in is  
7 recommended by the manufacturer, or by federal, state or local law, or best  
8 management practices, shall be allowed under the following conditions:

9 (a) Such watering-in shall be limited to one (1) application, unless the  
10 need for more than one (1) application is stated in the directions for  
11 application specified by the manufacturer; and

12 (b) Such watering-in shall be accomplished during normally allowable  
13 watering days and times set forth in Subsection 4(4)(a) and (b), unless  
14 a professional licensed applicator has posted a temporary sign  
15 containing the date of application and the date(s) of needed watering-  
16 in activity.

17 (3) Any plant material may be watered using low volume irrigation, as defined  
18 in Section 2(11), micro-irrigation, as defined in Section 2(12), low volume  
19 hand watering method, rain barrels, cisterns, or other similar rain-harvesting  
20 devices without regard to the watering days or times allowed pursuant to  
21 this Section.

22  
23 **Section 6. ADDITIONAL REQUIREMENTS**

24 Any user who purchases and installs an automatic landscape irrigation system shall  
25 properly install, maintain, and operate technology that inhibits or interrupts operation of  
26 the system during periods of sufficient moisture in accordance with Section 373.62, F.S.

27  
28 **Section 7. VARIANCES**

29 (1) A variance from the specific day or days identified in Subsection 4(4)(b) may  
30 be granted by the [County/City] if strict application of the restrictions would  
31 lead to unreasonable or unfair result; provided the applicant demonstrates  
32 with particularity that compliance with the schedule will result in substantial  
33 economic, health, or other hardship on the applicant or those served by the  
34 applicant. If granted, the applicant shall be required to post a notice at each  
35 parcel to which the variance pertains. Relief may be granted only upon a  
36 demonstration that such hardship exists, is peculiar to the person or the  
37 affected property, is not self-imposed, and further demonstrates that  
38 granting the variance would be consistent with the general intent and  
39 purpose of this division.

40 (2) The [County/City] recognizes all irrigation variances or waivers issued by  
41 the District under Rule 40E-24.501, F.A.C.

42  
43 **Section 8. DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE**  
44 **EMERGENCY**

45 Declaration of a water shortage condition and/or water shortage emergency, as defined

1 in Section 2(20), within all or parts of the [County/City] by the District's Governing Board  
2 or Executive Director shall supersede this Ordinance for the duration of the applicable  
3 water shortage declaration in accordance with Ordinance No. \_\_\_\_\_ [WATER  
4 SHORTAGE ORDINANCE REFERENCE]. A water shortage usually occurs due to  
5 drought.

6  
7 Section 9. ENFORCEMENT

8 (1) In the absence of a declaration of water shortage or water shortage  
9 emergency within all or any part of the [County/City] by the District's  
10 Governing Board or Executive Director, the listed landscape irrigation  
11 restrictions shall be subject to enforcement action. Any violation of the  
12 provisions of Section 4 and 5 shall be a violation of this Section.

13  
14 (2) The [County/City] authorizes law enforcement officials, as defined in  
15 Section 2(9), having jurisdiction in the area governed by this Ordinance, to  
16 enforce the provisions of this Ordinance. In addition, the [County/City]  
17 [Administrator/Manager] may delegate this Ordinance's enforcement  
18 responsibility to agencies and departments within the [County/City]  
19 government.

20  
21 Section 10. PENALTIES

22 Violations of any provision of this Ordinance may be punished pursuant to Section 162.21,  
23 F.S., as amended, as a civil infraction as set forth in the code enforcement citation  
24 ordinance of [County/City], Ordinance No. \_\_\_\_\_, as may be amended from time to time.

25  
26 OR

27  
28 (1) Violation of any provision of this Ordinance shall be subject to the following  
29 penalties:

- 30 (a) For a first violation, a [written warning/fine not to exceed \$\_\_\_\_.00].  
31 (b) For a second violation, a fine not to exceed \$\_\_\_\_.00.  
32 (c) For subsequent violations, a fine not to exceed \$500.00.

33  
34 (2) Each day in violation of this Ordinance shall constitute a separate offense.  
35 Law enforcement officials and others as delegated may provide violators  
36 with no more than one (1) written warning. In addition to the civil penalties  
37 provided, the [County/City] may take any other appropriate legal action,  
38 including, but not limited to, injunctive action to enforce the provisions of this  
39 article.

40  
41 Section 11. CODIFICATION

42 Codification of this Ordinance is directed and authorized.

43  
44 Section 12. ORDINANCES REPEALED.

45 Sections \_\_\_\_\_ through \_\_\_\_\_, Code of Ordinances, are hereby repealed.



1 Section 13. SEVERABILITY  
2 If any Section, Subsection, sentence, clause, or phrase of this Ordinance is held to be  
3 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall  
4 in no way affect the validity of the remaining portions of this Ordinance.

5  
6 Section 14. EFFECTIVE DATE  
7 This Ordinance shall take effect immediately upon adoption.

8  
9 PASSED AND DULY ADOPTED by the [Governing Body] of [County/City], Florida on this  
10 \_\_\_\_\_ day of \_\_\_\_\_ 2XXX.

11  
12 LOCAL EXECUTION PROVISIONS