

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 [COIJNTY/CITY], FLORIDA; PROVIDING  
7 FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION  
8 RULE FOR LANDSCAPE IRRIGATION OF THE SOUTH FLORIDA  
9 WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS;  
10 PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE;  
11 PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION  
12 SCHEDULE; PROVIDING FOR VARIANCES FROM THE SPECIFIC  
13 DAY OF THE WEEK LIMITATIONS; PROVIDING FOR THE  
14 APPLICABILITY OF THE ORDINANCE; PROVIDING FOR  
15 ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR  
16 PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING  
17 FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR THE  
18 REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR  
19 SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.  
20

21 WHEREAS, the South Florida Water Management District has responsibility and  
22 exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive  
23 use of water;  
24

25 WHEREAS, the South Florida Water Management District has amended Chapter 40E-  
26 24, F.A.C., requiring year-round water conservation for landscape irrigation;  
27

28 WHEREAS, Chapter 40E-24, F.A.C., applies to all users as defined in Subsection 40E-  
29 24.101(9), F.A.C., including permitted users under Chapters 40E-2 and 40E-20, F.A.C.;  
30

31 WHEREAS, Chapter 40E-24, F.A.C., applies to all landscape irrigation regardless of  
32 whether the water comes from ground or surface water, from a private well or pump, or  
33 from a public or private utility;  
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35 WHEREAS, Rule 40E-24.501(3), F.A.C. provides that a local government may adopt an  
36 ordinance to locally enforce the year-round landscape irrigation water conservation  
37 measures;  
38

39 WHEREAS, it is the desire of the [Governing Body] of [County/City] to adopt such an  
40 ordinance in accodrance with Rule 40E-24.201, F.A.C.; and,  
41

42 WHEREAS, the [Governing Body] of [County/City] hereby finds and declares that the  
43 adoption of this ordinance is appropriate, and in the public interest of this community.  
44

1 NOW, THEREFORE, BE IT ORDAINCE BY THE [GOVERNING BODY] OF  
2 [COUNTY/CITY], FLORIDA: Section \_\_\_\_\_. Sections \_\_\_\_ through \_\_\_\_, Code of  
3 Ordinances, are hereby created to read:  
4

5 WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION  
6

7 Section 1. INTENT AND PURPOSE

8 It is the intent and purpose of this Ordinance to implement procedures that  
9 promote water conservation through the more efficient use of landscape irrigation.  
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11 Section 2. DEFINITIONS

12 For the purpose of this Article the following terms, phrases, words, and their  
13 derivatives shall have the meaning given herein. When not inconsistent with the  
14 context, words used in the present tense include the future, words in the plural include  
15 the singular, and words in the singular include the plural.

16 (1) "Address" means the "house number" (a numeric or alphanumeric  
17 designation) that, together with the street name, describes the physical location of a  
18 specific property. This includes "rural route" numbers but excludes post office box  
19 numbers. If a lot number in a mobile home park or similar community is used by the  
20 U.S. Postal Service to determine a delivery location, the lot number shall be the  
21 property's address. If a lot number in a mobile home park or similar residential  
22 community is not used by the U.S. Postal Service (e.g., the park manager sorts  
23 incoming mail delivered to the community's address), then the community's main  
24 address shall be the property's address. If a property has no address it shall be  
25 considered "even-numbered".

26 (2) "Athletic play area" means all golf course fairways, tees, roughs, and greens, and  
27 other athletic play surfaces; including, football, baseball, soccer, polo, tennis and lawn  
28 bowling fields, and rodeo, equestrian and livestock arenas.

29 (3) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapter  
30 40E-2 or 40E-20, F.A.C., authorizing the consumptive use of water.

31 (4) "Even Numbered Address" means an address, ending in the numbers 0, 2, 4, 6,  
32 8, or rights-of-way or other locations with no address, or the letters A-M.

33 (5) "Existing landscaping" means any landscaping which has been planted and in  
34 the ground for more than ninety (90) days.

35 (6) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers, plants,  
36 vines, ornamental gardens, and such other flora, not intended for resale, which are  
37 situated in such diverse locations as residential landscapes, recreation areas,  
38 cemeteries, public, commercial, and industrial establishments, public medians, and  
39 rights-of-way except athletic play areas as defined in subsection 40E-24.101(2), F.A.C.

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

42 (8) "Low Volume Irrigation" means the use of equipment and devices specifically  
43 designed to allow the volume of water delivered to be limited to a level consistent with  
44 the water requirement of the plant being irrigated and to allow that water to be placed  
45 with a high degree of efficiency in the root zone of the plant. The term also includes  
46 water used in mist houses and similar establishments for plant propagation. Overhead

1 irrigation and flood irrigation are not included.

2 (9) "Landscape Irrigation" means the outside watering of shrubbery, trees, lawns,  
3 grass, ground covers, plants, vines, ornamental gardens, and such other flora, not  
4 intended for resale, which are planted and are situated in such diverse locations as  
5 residential landscapes, recreation areas, cemeteries, public, commercial, and industrial  
6 establishments, public medians, and rights-of-way except athletic play areas as defined  
7 in subsection 40E-24.101(2), F.A.C.

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

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

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

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

19 (14) "User" means any person, individual, firm, association, organization,  
20 partnership, business trust, corporation, company, agent, employee or other legal entity  
21 whether natural or artificial, the United States of America, and the State and all political  
22 subdivisions, regions, districts, municipalities, and public agencies thereof, which  
23 directly or indirectly takes water from the water resource, including uses from private or  
24 public utility systems, uses under water use permits issued pursuant to Chapter 40E-2  
25 or 40E-20, F.A.C., or uses from individual wells or pumps.

26 (15) "Wasteful and unnecessary" means allowing water to be dispersed without any  
27 practical purpose to the water use; for example, excessive landscape irrigation, leaving  
28 an unattended hose on a driveway with water flowing, allowing water to be dispersed in  
29 a grossly inefficient manner, regardless of the type of water use; for example, allowing  
30 landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other  
31 impervious surfaces; allowing water flow through a broken or malfunctioning water  
32 delivery or landscape irrigation system.

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34 **Section 3. YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS**

35 (1) The [County/City] hereby adopts the rules of the South Florida Water  
36 Management District, Chapter 40E-24.201(1)-(6), F.A.C., and subsequent additions or  
37 corrections thereto; and the same are hereby adopted and incorporated as if fully set  
38 out at length.

39 **Or**

40 The [County/City] hereby adopts the rules of the South Florida Water  
41 Management District, Chapter 40E-24.201(1)-(6), F.A.C., and subsequent additions or  
42 corrections thereto; and which are set out as follows:

43 (a) It shall be the duty of each user to keep informed as to the  
44 landscape irrigation conservation measures presented within this section, which affect  
45 each particular water use.

1 (b) In addition to the specific conservation measures enumerated below,  
2 all wasteful and unnecessary water use as defined in Section \_\_\_\_ (15), is prohibited.

3 (c) The following requirements or exceptions shall apply to all users unless  
4 specified otherwise herein:

5 (1) Landscape irrigation shall be prohibited daily between the hours  
6 of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

7 (2) Irrigation of new landscaping shall comply with the following  
8 provisions:

9 i. On the day the new landscaping is installed, the new  
10 landscaping may be irrigated once without regard to the normally allowable watering  
11 days and times. Irrigation of the soil immediately prior to the installation of the new  
12 landscaping is also allowable without regard to the normal allowable watering days and  
13 times.

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

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

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

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

33 (3) Landscape irrigation systems may be operated during restricted  
34 days and/or-times for cleaning, maintenance, and repair purposes with an attendant on  
35 site in the area being tested. Landscape irrigation systems may routinely be operated  
36 for such purposes no more than once per week, and the run time for any one test  
37 should not exceed 10 minutes per zone.

38 (4) Landscape irrigation for the purpose of watering-in fertilizers,  
39 insecticides, pesticides, fungicides and herbicides, where such watering-in is  
40 recommended by the manufacturer, or by federal, state or local law, or best  
41 management practices, shall be allowed under the following conditions:

42 i. Such watering-in shall be limited to one application  
43 unless the need for more than one application is stated in the directions for application  
44 specified by the manufacturer; and

45 ii. Such watering-in shall be accomplished during normally  
46 allowable watering days and times set forth in Paragraphs 1(c)(2) and 1(c)(6) of this

1 Section, unless a professional licensed applicator has posted a temporary sign  
2 containing the date of application and the date(s) of needed watering-in activity.

3 (5) Any plant material may be watered using low volume irrigation,  
4 micro-irrigation, low-volume hand watering methods, and rain barrels, cisterns, or other  
5 similar rain-harvesting devices without regard to the watering days or times allowed  
6 pursuant to this section.

7 (6) Irrigation of existing landscaping shall comply with the following  
8 provisions:

9 (a) Even addresses, installations with irrigation systems that  
10 irrigate both even and odd addresses within the same zones, such as multi-family units  
11 and homeowners' associations, and rights-of-way or other locations with no address as  
12 defined in Section \_\_\_\_ (4), shall have the opportunity to accomplish necessary  
13 landscape irrigation only on Thursday and/or Sunday.

14 (b) Odd addresses as defined in Section \_\_\_\_\_ (12), shall  
15 have the opportunity to accomplish necessary landscape irrigation only on Wednesday  
16 and/or Saturday.  
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19 (2) In the absence of a declaration of a water shortage condition or water  
20 shortage emergency within all or any part of the [County/City] by the Governing Board  
21 or Executive Director of the District, the landscape irrigation restrictions or other  
22 measures adopted by the District applicable to the [County/City] or any portion thereof  
23 shall be subject to enforcement action pursuant to Section 6 below. Any violation of the  
24 provisions of [Chapter 40E-24.201, F.A.C./Section \_\_\_\_\_, Code of Ordinances], shall  
25 be a violation of this section.

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27 **Section 4. DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE**  
28 **EMERGENCY**

29 (1) The [County/City] hereby adopts the rules of the South Florida Water  
30 Management District, Chapter 40E-21, F.A.C., and subsequent additions or corrections  
31 thereto; and the same are hereby adopted and incorporated as if fully set out at length.

32 (2) The declaration of a water shortage condition and/or water shortage  
33 emergency within all or partys of the [County/City] by the Governing Board or Exeucitve  
34 Director of the District shall invoke the provisions of this article. Upon such as  
35 declarationm all water use restrictions or other measures adopted by the District  
36 aplicable to the [County/City], or any portion thereof, shall be subject to enforcement  
37 action pursuant to this article. Any violation of the provisions of Chapter 40E-21, F.A.C.,  
38 or any order issued pursuant thereto, shall be a violation of this article.  
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40 **Section 5. VARIANCES**

41 (1) A variance from specific day or days identified in Section 3 above may be  
42 granted if strict application of the restrictions would lead to unreasonable or unfair result  
43 in particular instances, provided that the applicant demonstrates with particularity that  
44 compliance with the schedule will result in substantial economic, health, or other  
45 hardship on the applicant requiring a variance or those served by the applicant. Where

1 a contiguous property is divide into different zones a variance may be granted  
2 hereunder so that each zone may be irrigated on days different than other zones of the  
3 property. However, no single zone may be irrigated more than two days per week.  
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5 (2) The [County/City] hereby recognizes any and all variances issued by the  
6 South Florida Water Management District to those users who operate and maintain  
7 smart irrigation systems which meet the requirements of Section 373.62(7), Fla. Stat.  
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9 **Section 6. APPLICATION OF ORDINANCE**

10 The provisions of this Ordinance shall apply to each user within the [boundaries  
11 of the City/ unincorporated areas of the County].  
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13 **Section 7. ENFORCEMENT OFFICIALS**

14 Law enforcement officials having jurisdiction in the area governed by this  
15 Ordinance are hereby authorized to enforce the provisions of this Ordinance. In  
16 addition, the [County/City] [Administrator/Manager] may delegate enforcement  
17 responsibility for this ordnance to agencies and departments of [County/City]  
18 government.  
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20 **Section 8. PENALTIES**

21 (1) Violations of any provision of this article may be punished pursuant to  
22 Section 162.21, Florida Statutes, as amended, as a civil infraction as set forth in the  
23 code enforcement citation ordinance of [County/City], Ordinance No. \_\_\_\_\_, as may  
24 be amended from time to time.  
25

26 **Or**

27 Violation of any provision of this article shall be subject to the following  
28 penalties:

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

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

37 **Section 9. CODIFICATION**

38 Codification of this Ordinance is hereby directed and authorized.  
39

40 **Section 10. ORDINANCES REPEALED.**

41 Sections \_\_\_\_\_ through \_\_\_\_\_, Code of Ordinances, are hereby repealed.  
42

43 **Section 11. SEVERABILITY**

44 If any section, sentence, clause, or phrase of this Ordinance is held to be invalid  
45 or unconstitutional, by any court of competent jurisdiction, then said holding shall in no  
46 way affect the validity of the remaining portions of this Ordinance.

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Section 12. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the [Governing Body] of [County/City], Florida on this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

LOCAL EXECUTION PROVISIONS