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ORDINANCE NO. 2021-01

AN ORDINANCE OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION; PROVIDING DEFINITIONS; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, Rule 40E-24.501(3), F.A.C. provides that a local government may adopt an ordinance to locally enforce the year-round landscape irrigation water conservation measures;

WHEREAS, it is the desire of the Village Council of the Village of Sea Ranch Lakes, Florida to adopt such an ordinance in accordance with Rule 40E-24.201, F.A.C.; and,

WHEREAS, the Village Council of the Village of Sea Ranch Lakes, Florida hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA:

Section 1. Each "WHEREAS" clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Village of Sea Ranch Lakes, Florida hereby creates Article IV Section 4.04 of the Village's Code of Ordinances entitled "Water Conservation for Landscape Irrigation" as follows:

WATER CONSERVATION FOR LANDSCAPE IRRIGATION

1
2 **4.04.01. INTENT AND PURPOSE**

3 It is the intent and purpose of this Ordinance to implement procedures that promote
4 water conservation through the more efficient use of landscape irrigation.

5
6 **4.04.02. DEFINITIONS**

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

11
12 (1) "Address" means the "house number" (a numeric or alphanumeric designation) that,
13 together with the street name, describes the physical location of a specific property.

14
15 (2) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapter 40E-2
16 or 40E-20, F.A.C., authorizing the consumptive use of water.

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

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

23
24 (5) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers, plants,
25 vines, ornamental gardens, and such other flora, not intended for resale.

26
27 (6) "Low Volume Hand Watering" means the watering of landscape by one person, with
28 one hose fitted with a self-canceling or automatic shutoff nozzle.

29
30 (7) "Low Volume Irrigation" means the use of equipment and devices specifically
31 designed to allow the volume of water delivered to be limited to a level consistent with
32 the water requirement of the plant being irrigated and to allow that water to be placed
33 with a high degree of efficiency in the root zone of the plant. The term also includes water
34 used in mist houses and similar establishments for plant propagation. Overhead
35 irrigation and flood irrigation are not included.

36
37 (8) "Landscape Irrigation" means the outside watering of shrubbery, trees, lawns, grass,
38 ground covers, plants, vines, ornamental gardens, and such other flora.

39
40 (9) "Micro-irrigation" means the application of small quantities of water on or below the
41 soil surface as drops or tiny streams of spray through emitter or applicators placed along
42 a water delivery line. Micro-irrigation includes a number of methods or concepts such
43 as bubbler, drip, trickle, mist or micro-spray, and subsurface irrigation.

44
45 (10) "New landscaping" means any landscaping which has been planted and in the
46 ground for ninety (90) days or less.

47
48 (11) "Odd Numbered Address" means an address ending in the numbers 1, 3, 5, 7, 9 or
49 the letters N-Z.

1 (12) “Reclaimed Water” means wastewater that has received at least secondary
2 treatment and basic disinfection and is reused after flowing out of a wastewater
3 treatment facility as defined by Rule 62-40.210, F.A.C..
4

5 (13) “User” means any person, individual, firm, association, organization, partnership,
6 business trust, corporation, company, agent, employee or other legal entity whether
7 natural or artificial, and the State and all political subdivisions, regions, districts,
8 municipalities, and public agencies thereof, which directly or indirectly takes water from
9 the water resource, including uses from private or public utility systems, uses under
10 water use permits issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., or uses from
11 individual wells or pumps.
12

13 (14) “Wasteful and unnecessary” means allowing water to be dispersed without any
14 practical purpose to the water use; for example, excessive landscape irrigation, leaving
15 an unattended hose on a driveway with water flowing, allowing water to be dispersed
16 in a grossly inefficient manner, regardless of the type of water use; for example, allowing
17 landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other
18 impervious surfaces; allowing water flow through a broken or malfunctioning water
19 delivery or landscape irrigation system.
20

21 **4.04.03. YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS**

22
23 (1) The Village of Sea Ranch Lakes, Florida hereby adopts the rules of the South Florida
24 Water Management District, Chapter 40E-24.201(1)-(6), F.A.C., and subsequent
25 additions or corrections thereto; and the same are hereby adopted and incorporated as
26 if fully set out at length.
27

28 **4.04.04. DECLARATION OF A WATER SHORTAGE OR WATER SHORTAGE** 29 **EMERGENCY**

30
31 (1) The Village of Sea Ranch Lakes, Florida hereby adopts the rules of the South Florida
32 Water Management District, Chapter 40E-21, F.A.C., and subsequent additions or
33 corrections thereto; and the same are hereby adopted and incorporated as if fully set
34 out at length.
35

36 (2) The declaration of a water shortage condition and/or water shortage emergency
37 within all or parts of the Village of Sea Ranch Lakes, Florida by the Governing Board or
38 Executive Director of the District shall invoke the provisions of this article. Upon such
39 a declaration all water use restrictions or other measures adopted by the District
40 applicable to the Village of Sea Ranch Lakes, Florida, or any portion thereof, shall be
41 subject to enforcement action pursuant to this article. Any violation of the provisions
42 of Chapter 40E-21, F.A.C., or any order issued pursuant thereto, shall be a violation of
43 this article.
44

45 **4.04.05. VARIANCES**

46 (1) A variance from specific day or days identified in Section 4.04.03 above may be
47 granted if strict application of the restrictions would lead to unreasonable or unfair
48 result in particular instances, provided that the applicant demonstrates with
49 particularity that compliance with the schedule will result in substantial economic,
50 health, or other hardship on the applicant requiring a variance or those served by the

1 applicant. Where contiguous property is divided into different zones a variance may
2 be granted hereunder so that each zone may be irrigated on days different than other
3 zones of the property. However, no single zone may be irrigated more than two days
4 per week.

5
6 (2) The Village of Sea Ranch Lakes, Florida hereby recognizes any and all variances
7 issued by the South Florida Water Management District to those users who operate and
8 maintain smart irrigation systems which meet the requirements of Section 373.62(7),
9 Fla. Stat.

10
11 **4.04.06. APPLICATION OF ORDINANCE**

12 The provisions of this Ordinance shall apply to each user within the Village of Sea Ranch
13 Lakes, Florida.

14
15 **4.04.07. ENFORCEMENT OFFICIALS**

16 Law and code enforcement officials having jurisdiction in the area governed by this
17 Ordinance are hereby authorized to enforce the provisions of this Ordinance.

18
19 **4.04.08. PENALTIES**

20 (1) Violations of any provision of this article may be punished pursuant to Chapter 162,
21 Florida Statutes, as amended, as a violation set forth in the Village of Sea Ranch Lakes,
22 Florida, Code of Ordinances, as may be amended from time to time.

23
24 **Section 3.** If any clause, section or other part of this Ordinance shall be held by any court of
25 competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part
26 shall be construed as eliminated and shall in no way affect the validity of the remaining portions
27 of this Ordinance.

28
29 **Section 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed
30 to the extent of such conflict.

31
32 **Section 5.** Codification of this Ordinance is hereby directed and authorized.

33
34 PASSED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA, ON
35 THE FIRST READING, THIS ____ DAY OF _____, 2021.

36
37 PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES,
38 FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2021.

39
40
41 VILLAGE OF SEA RANCH LAKES, FLORIDA

42 BY: _____
43 MAYOR JEFFREY NELSON

44
45
46 NEAL _____
47 DICAROLIS _____

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BRUENER _____
HODGSON _____
BARRY _____
FULMER _____
TOMLINSON _____

ATTEST:

STARR PATON, VILLAGE CLERK