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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.

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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.

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18 (3) "District" means the South Florida Water Management District, a government
19 entity created under Chapter 373, Florida Statutes.

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

24
25 (5) "Existing landscaping" means any landscaping which has been planted and in the
26 ground for more than ninety (90) days.

27
28 (6) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers, plants,
29 vines, ornamental gardens, and such other flora, not intended for resale.

30
31 (7) "Low Volume Hand Watering" means the watering of landscape by one person, with
32 one hose fitted with a self-canceling or automatic shutoff nozzle.

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

40
41 (9) "Landscape Irrigation" means the outside watering of shrubbery, trees, lawns,
42 grass, ground covers, plants, vines, ornamental gardens, and such other flora ~~not~~
43 intended for resale.

44
45 (10) "Micro-irrigation" means the application of small quantities of water on or below
46 the soil surface as drops or tiny streams of spray through emitter or applicators placed
47 along a water delivery line. Micro-irrigation includes a number of methods or concepts
48 such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

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50 (11) "New landscaping" means any landscaping which has been planted and in the

1 ground for ninety (90) days or less.

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

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

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

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

25
26 (16) "Water Shortage" means when the District determines there is the possibility that
27 insufficient water will be available to meet the present and anticipated needs of the
28 users, or when conditions are such as to require temporary reduction in total use within
29 a particular area to protect water resources from serious harm.

30
31 (17) "Water Shortage Emergency" means when the District has determined that the
32 provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the
33 public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water
34 supply, or commercial, industrial, agricultural, recreational, or other reasonable
35 beneficial uses.

36
37
38 **4.04.03. YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS**

39
40 (1) The Village of Sea Ranch Lakes, Florida hereby adopts the rules of the South Florida
41 Water Management District, Chapter 40E-24.201(1)-(6), F.A.C., and subsequent
42 additions or corrections thereto; and the same are hereby adopted and incorporated as
43 if fully set out at length.

44
45 **4.04.04. DECLARATION OF A WATER SHORTAGE OR WATER SHORTAGE**
46 **EMERGENCY**

47
48 (1) The Village of Sea Ranch Lakes, Florida hereby adopts the rules of the South Florida
49 Water Management District, Chapter 40E-21, F.A.C., and subsequent additions or
50 corrections thereto; and the same are hereby adopted and incorporated as if fully set

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1 ~~out at length.~~

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3 ~~(12) The declaration of a water shortage condition and/or water shortage emergency~~
4 ~~within all or parts of the Village of Sea Ranch Lakes, Florida by the Governing Board or~~
5 ~~Executive Director of the District shall invoke the provisions of this article, and shall~~
6 ~~supersede mandatory year-round water irrigation measures described in Article~~
7 ~~4.04.03 until the more restrictive measure is rescinded by the District. Upon such a~~
8 ~~declaration all water use restrictions or other measures adopted by the District~~
9 ~~applicable to the Village of Sea Ranch Lakes, Florida, or any portion thereof, shall be~~
10 ~~subject to enforcement action pursuant to this article. Any violation of the provisions~~
11 ~~of Chapter 40E-21, F.A.C., or any order issued pursuant thereto, shall be a violation of~~
12 ~~this article.~~

13
14 **4.04.05. VARIANCES**

15 ~~(1) A variance from specific day or days identified in Section 4.04.03 above may be~~
16 ~~granted if strict application of the restrictions would lead to unreasonable or unfair~~
17 ~~result in particular instances, provided that the applicant demonstrates with~~
18 ~~particularity that compliance with the schedule will result in substantial economic,~~
19 ~~health, or other hardship on the applicant requiring a variance or those served by the~~
20 ~~applicant, including the instances listed in 40E-24.501. If granted, the applicant shall~~
21 ~~be required to post a notice at each parcel to which the variance pertains. Where~~
22 ~~contiguous property is divided into different zones a variance may be granted~~
23 ~~hereunder so that each zone may be irrigated on days different than other zones of the~~
24 ~~property. However, no single zone may be irrigated more than two days per week~~
25 ~~unless a user maintains an irrigation system that uses soil moisture sensors or weather-~~
26 ~~based irrigation controllers.~~

27
28 ~~(2) The Village of Sea Ranch Lakes, Florida hereby recognizes any and all variances~~
29 ~~issued by the South Florida Water Management District ~~to those users who operate~~~~
30 ~~and maintain smart irrigation systems which meet the requirements of Section~~
31 ~~373.62(7), Fla. Stat.~~

32
33 **4.04.06. APPLICATION OF ORDINANCE**

34 ~~The provisions of this Ordinance shall apply to each user within the Village of Sea Ranch~~
35 ~~Lakes, Florida.~~

36
37 **4.04.07. ENFORCEMENT OFFICIALS**

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

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41 **4.04.08. PENALTIES**

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

45
46 **Section 3.** If any clause, section or other part of this Ordinance shall be held by any court of
47 competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part
48 shall be construed as eliminated and shall in no way affect the validity of the remaining portions
49 of this Ordinance.
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Section 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

PASSED BY THE VILLAGE COUNCIL OF THE VILLAGE OF SEA RANCH LAKES, FLORIDA, ON THE FIRST READING, THIS 13TH DAY OF JANUARY, 2021.

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

VILLAGE OF SEA RANCH LAKES, FLORIDA

BY: _____
MAYOR JEFFREY NELSON

NEAL _____
DICAROLIS _____
BRUENER _____
HODGSON _____
BARRY _____
FULMER _____
TOMLINSON _____

ATTEST:

STARR PATON, VILLAGE CLERK