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ORDINANCE NO. 2021-008

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AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, CONCERNING WATER PROTECTION AND CONSERVATION; PROVIDING FOR LANDSCAPE IRRIGATION RESTRICTIONS AND EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR ADMINISTRATIVE VARIANCE RELIEF; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, to remain eligible for state grants, the South Florida Water Management District has required all municipalities to adopt landscape watering restrictions; and

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WHEREAS, the Town desires to comply with South Florida Water Management District's request; and

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WHEREAS, the Town of Southwest Ranches finds that it is in the best interest of the citizens of the Town of Southwest Ranches to enact an Ordinance imposing restrictions on landscape irrigation.

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NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

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Section 1: Recitals. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

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Section 2: Applicability. All provisions of this Ordinance shall apply to each user, be effective within the Town of Southwest Ranches and shall set restrictions, constraints, and prohibitions to enhance the Town of Southwest Ranches' water sources and provide a permanent water conservation measure with the following exceptions:

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- (a) The use of reclaimed or recaptured water, which may or may not be supplemented from another source;
 - (b) Irrigation on agriculturally exempt properties and nursery operations; and
 - (c) Irrigation of athletic play areas.
 - (d) Irrigation on properties utilized for equestrian and other livestock operations.

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Section 3: Purpose. The purpose of this Ordinance is to establish a regulatory framework and guidance document which will help ensure consistent water and landscape irrigation conservation throughout the Town of Southwest Ranches.

45 **Section 4: Definitions.** The following definitions shall apply within this
46 Ordinance:

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- 48 (A) "Athletic Play Area" means all athletic play surfaces; including, football,
49 baseball, soccer, polo, tennis, lawn bowling fields, rodeo facilities, equestrian
50 riding rings and paddocks, and livestock arenas and paddocks.
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- 52 (B) "Existing Landscaping" means any landscaping which has been planted and in
53 the ground for more than ninety (90) days.
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- 55 (C) "Impervious Area" means land surfaces which do not allow the penetration of
56 water, including, but not limited to, paved roads, sidewalks, driveways, and
57 parking lots.
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- 59 (D) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers,
60 plants, vines, ornamental gardens, and such other flora not intended for resale,
61 which are situated in such diverse locations as residential landscapes,
62 recreation areas, cemeteries, public, commercial, and industrial
63 establishments, public medians, and rights-of-way.
- 64
- 65 (E) "Landscape Irrigation" means the outside watering of shrubbery, trees, lawns,
66 sod, grass, ground covers, plants, vines, ornamental gardens, and such other
67 flora not intended for resale, which are planted and situated in such diverse
68 locations as residential landscapes, recreation areas, cemeteries, public,
69 commercial, and industrial establishments, public medians, and rights-of-way.
- 70
- 71 (F) "Low Volume Hand Watering" means the watering of landscape by one (1)
72 person, with one (1) hose, fitted with a self-canceling or automatic shutoff
73 nozzle.
- 74
- 75 (G) "Low Volume Irrigation" means the use of equipment and devices specifically
76 designed to allow the volume of water delivered to be limited to a level
77 consistent with the water requirement of the plant being irrigated, and to allow
78 that water to be placed with a high degree of efficiency in the root zone of the
79 plant. The term also includes water used in mist houses and similar
80 establishments for plant propagation. Overhead irrigation and flood irrigation
81 are not included.
- 82
- 83 (H) "Micro-irrigation" means the application of small quantities of water on or below
84 the soil surface as drops or tiny streams of spray through emitter or applicators
85 placed along a water delivery line. Micro-irrigation includes a number of

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Underlined words are additions and ~~stricken~~ words are deletions.

86 methods or concepts, such as bubbler, drip, trickle, mist or microspray, and
87 subsurface irrigation.

88
89 (I) "New landscaping" means any landscaping which has been planted in the
90 ground for ninety (90) days or less.

91
92 (J) "Reclaimed Water" means wastewater that has received at least secondary
93 treatment and basic disinfection, and is reused after flowing out of a
94 wastewater treatment facility.

95
96 (K) "User" means any person, individual, firm, association, organization,
97 partnership, business trust, corporation, company, agent, employee, or other
98 legal entity whether natural or artificial, the United States of America, and the
99 State and all political subdivisions, regions, districts, municipalities, and public
100 agencies thereof, which directly or indirectly takes water from the water
101 resource, including uses from private or public utility systems, uses under water
102 use permits issued pursuant to Chapter 40E-2, Florida Administrative Code, or
103 uses from individual wells or pumps.

104
105 (L) "Wasteful and Unnecessary" means allowing water to be dispersed without any
106 practical purpose to the water use; for example, excessive landscape irrigation,
107 leaving an unattended hose on a driveway with water flowing, allowing water
108 to be dispersed in a grossly inefficient manner regardless of the type of water
109 use; for example, allowing landscape irrigation water to unnecessarily fall onto
110 pavement, sidewalks, and other impervious surfaces; or allowing water flow
111 through a broken or malfunctioning water delivery or landscape irrigation
112 system.

113
114 (M) "Water Resource" means any and all water on or beneath the surface of
115 the ground, including natural or artificial watercourses, lakes, ponds, or
116 diffused surface water, and water percolating, standing, or flowing beneath the
117 surface of the ground.

118
119 **Section 5: Restrictions.**

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121 (A) Any landscape irrigation shall be prohibited between the hours of 10:00 a.m.
122 and 4:00 p.m., except as otherwise provided.

123
124 (B) It shall be unlawful to operate or cause the operation of any irrigation system
125 or device in a manner causing water to be wasted, including watering

126 impervious areas, other than which occur incidental to the proper operation of
127 the irrigation system.

128
129 (C) It shall be unlawful to operate or cause the operation of any irrigation system
130 or device in a manner causing water to be directed onto any sidewalk or paved
131 portion of a road right-of-way.

132
133 (D) Irrigation of existing landscaping shall be limited to two (2) days a week, unless
134 a user maintains an irrigation system that uses soil moisture sensors or
135 weather-based irrigation controllers.

136
137 (E) Irrigation of new landscaping shall comply with the following provisions:

138
139 I. New landscaping may be irrigated once on the day it is installed without
140 regard to the listed watering days and times. Irrigation of the soil
141 immediately prior to the installation of the new landscaping is allowed
142 without regard to the normal watering days and times.

143
144 II. A ninety (90) day establishment period begins on the day the new
145 landscaping is installed. The new landscaping shall be installed within a
146 reasonable time from the date of purchase, which may be demonstrated
147 with a dated receipt or invoice.

148
149 III. Irrigation of new landscaping which has been in place for thirty (30) days
150 or less may be accomplished on Monday, Tuesday, Wednesday,
151 Thursday, Saturday, and/or Sunday.

152
153 IV. Irrigation of new landscaping which has been in place for thirty-one (31)
154 to ninety (90) days may be accomplished on Monday, Wednesday,
155 Thursday, and/or Saturday.

156
157 V. Irrigation of new landscaping is limited to areas only containing the new
158 landscaping. An entire zone of an irrigation system shall only be utilized
159 for landscape irrigation under this Subsection if the zone contains at
160 least 50% new landscaping. If a zone contains less than 50% new
161 landscaping, or if the new landscaping is in an area that will not typically
162 be irrigated by an irrigation system, only the individual new plantings are
163 eligible for additional irrigation. Targeted watering may be accomplished
164 by low volume hand watering, or any appropriate method which isolates
165 and waters only the new landscaping.

166
167 (F) Any user who purchases and installs an automatic landscape irrigation system
168 shall properly install, maintain, and operate technology that inhibits or

169 interrupts operation of the system during periods of sufficient moisture in
170 accordance with Section 373.62, Florida Statutes.

171
172 (G) Any declaration of Water Shortage restrictions issued by South Florida Water
173 Management District in times of drought shall be followed and enforced
174 immediately upon notification and continue for the duration of the water
175 shortage. Failure to comply with the requirements of these restrictions will
176 constitute a violation of the Town Ordinance.

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178 **Section 6: Exceptions to the Landscape Irrigation Schedule.**

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

- 180
181 (1) Landscape irrigation systems may be operated during restricted days and/or
182 times for cleaning, maintenance, and repair purposes with an attendant on
183 site in the area being tested. Landscape irrigation systems may routinely be
184 operated for such purposes no more than once per week, and the run time
185 for any one (1) test should not exceed ten (10) minutes per zone.
186
187 (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides,
188 pesticides, fungicides and herbicides, where such watering-in is recommended by
189 the manufacturer, or by federal, state or local law, or best management practices,
190 shall be allowed under the following conditions:
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192 (a) Such watering-in shall be limited to one (1) application, unless the
193 need for more than one (1) application is stated in the directions for
194 application specified by the manufacturer; and
195
196 (b) Such watering-in shall be accomplished during normally allowable
197 watering days and times, unless a professional licensed applicator has
198 posted a temporary sign containing the date of application and the
199 date(s) of needed watering-in activity.
200
201 (3) Any plant material may be watered using low volume irrigation, micro-
202 irrigation, low volume hand watering method, rain barrels, cisterns, or other
203 similar rain-harvesting devices without regard to the watering days or times.
204

205 **Section 7: Variances.** A variance from the Landscape Irrigation Restrictions
206 identified in Subsection 5 may be granted by the Town Administrator if strict application
207 of the restrictions would lead to unreasonable or unfair result; provided the applicant
208 demonstrates with particularity that compliance with the restrictions will result in
209 substantial economic, health, or other hardship on the applicant or those served by the

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210 applicant. If granted, the applicant shall be required to post a notice at each parcel to
211 which the variance pertains. Relief may be granted only upon a demonstration that such
212 hardship exists, is peculiar to the person or the affected property, is not self-imposed,
213 and further demonstrates that granting the variance would be consistent with the general
214 intent and purpose of this division.

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216 **Section 8: Enforcement.** Failure to comply with the requirements of this
217 Ordinance shall constitute a violation of a Town of Southwest Ranches Ordinance and
218 may be punishable pursuant to Section 162.21, Florida Statutes.

219
220 **Section 9: Codification.** Codification of this Ordinance is directed and
221 authorized.

222
223 **Section 10: Conflicts.** All Ordinances or parts of Ordinances, Resolutions or
224 parts of Resolutions in conflict herewith, be and the same are hereby repealed to the
225 extent of such conflict.

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227 **Section 11: Severability.** If any word, phrase, clause, sentence or section of
228 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
229 shall not affect the validity of any remaining portions of this Ordinance.

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231 **Section 12: Effective Date.** This Ordinance shall become effective immediately
232 upon adoption.

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234 **PASSED ON FIRST READING** this 25th day of February, 2021 on a motion made
235
236 by Council Member Jablonski and seconded by Vice Mayor Hartmann.

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238 **PASSED AND ADOPTED ON SECOND READING** this 11th day of March 2021, on
239 a motion made by Council Member Jablonski and seconded by Vice Mayor Hartmann.

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241
242 **[Signatures On Next Page]**
243
244

245 Breitkreuz Yes Ayes 5
246 Hartmann Yes Nays 0
247 Allbritton Yes
248 Jablonski Yes Absent 0
249 Kuczenski Yes Abstaining 0

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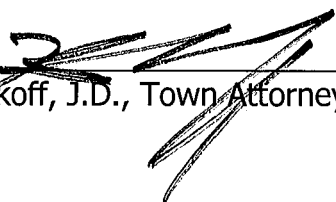
Steve Breitkreuz, Mayor

ATTEST:



Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:



Keith Poliakoff, J.D., Town Attorney
38065131.1