

ORDINANCE NO. 210-01-102

AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS PERTAINING TO IRRIGATION REGULATIONS, INCORPORATING PERMANENT YEAR-ROUND IRRIGATION RESTRICTIONS TO GAIN CONSISTENCY WITH FLORIDA ADMINISTRATIVE CODE CHAPTER 40E-21, (FAC) AND THE REGULATIONS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (DISTRICT); AMENDING LDR SCH J, PLANT INSTALLATION, IRRIGATION AND MAINTENANCE STANDARDS AND REQUIREMENTS SECTION 1.2.1.B.6; AMENDING SCHEDULE J, LANDSCAPE INSTALLATION, IRRIGATION AND MAINTENANCE STANDARDS AND REQUIREMENTS TO ADD SECTION 1.4.5, PERMANENT YEAR-ROUND IRRIGATION RESTRICTIONS; AMENDING CODE OF ORDINANCE CHAPTER 21 TO ADD ARTICLE VI, MANDATORY YEAR-ROUND IRRIGATION RESTRICTIONS FOR PERMANENT YEAR-ROUND IRRIGATION RESTRICTIONS; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH)

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. Land Development Regulations (LDR) Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements Section 1.2.1.B.6 is hereby amended to read as follows:

6. As otherwise further restricted by order of the South Florida Water Management District, Broward County or the City of Lauderhill.

The Broward County year-round landscape irrigation measures shall apply to all property types and sizes and is specified in the City of Lauderhill Code of Ordinances, Chapter 21 Article VI, Mandatory Year-Round Irrigation Restrictions for permanent Year-Round Irrigation Restrictions Sec. 21-74. allowed two (2) days a week consistent with the below schedule:

~~• ODD-numbered address: Wednesday and Saturday from 12:00 a.m. to 10:00 a.m. and/or 4:00 p.m. to 11:59 p.m.;~~

~~• EVEN-numbered address, no street address, systems that irrigate both odd and even address within same zones, including multi-family units, homeowners associations and commercial complexes/retail shopping centers: Thursday and Sunday from 12:00 a.m. to 10:00 a.m. and/or from 4:00 p.m. to 11:59 p.m~~

SECTION 2. Land Development Regulations LDR Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements is hereby amended by adding Section 1.4.5 Permanent Year-round Irrigation Restrictions to read as follows:

Section 1.4.5 Permanent Year-round Irrigation Restrictions

Refer to Code of Ordinance Chapter 21 Article VI for Permanent Year-Round Irrigation Restrictions.

SECTION 3. Code of Ordinance Chapter 21 is proposed to be amended by adding to add Article VI, Mandatory Year-Round Irrigation Restrictions for permanent Year-Round Irrigation Restrictions as provided below:

Article VI.- Mandatory Year-Round Irrigation Restrictions for Permanent Year-Round Irrigation Restrictions

Sec. 21-71 Intent and purpose

It is the intent and purpose of this Code to implement procedures to protect the water resources of The City of Lauderhill and to promote water conservation through the efficient use of landscape irrigation and consistency with the South Florida Water Management District's (District) mandatory year-round landscape irrigation conservation measures under Chapter 40E-24, Florida Administrative Code, (F.A.C.). This Code will increase water use efficiency; prevent and curtail wasteful irrigation practices by providing mandatory landscape irrigation conservation measures; and prohibit the operation of irrigation systems in a manner causing water to be wasted.

Sec. 21-72 Definitions

The words, terms and phrases, when used in this Code, shall have the meaning assigned to them in Rule 40E-24.101, F.A.C. , and 40E-21.051, F.A.C. In addition, for the purpose of this Code, the following terms, phrases, words and their derivatives shall have the meaning listed below. When not inconsistent with the context, words used in the present tense also include the future, and words used in the singular also include the plural. The word "shall" is always mandatory and not merely directory.

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

(2) “Law Enforcement Official(s)” means every police officer or sheriff having jurisdiction in the area governed by this division shall, in connection with all other duties imposed by law, diligently enforce the provisions of this division. In addition, the city manager may also delegate enforcement responsibility for this division to agencies and departments of city government, or cities in the service areas governed by this division, in accordance with state and local law.

Sec. 21-73 Application

The provisions of this Code shall apply to each user providing landscape irrigation from all water resources within the boundaries of the county/city/unincorporated areas of the county. The provisions of this Code/section/chapter/article shall not apply to athletic play areas or agricultural operations (including nurseries), and irrigation accomplished using reclaimed water or saltwater.

Declaration of a water shortage condition and/or water shortage emergency within all or parts of the county/city by the District’s Governing Board or Executive Director shall supersede this Code for the duration of the applicable declaration, in accordance with Ord. No. 85-159. A water shortage usually occurs due to drought.

Such a declaration would apply to all users using the water resource within the geographical areas subject to a water shortage or water shortage emergency, as determined by the District, whether from public or privately-owned water utility systems, private wells or private connections with surface water bodies, but shall not apply to users using reclaimed water or saltwater.

Sec. 21-74 Year-Round Permanent Landscape Irrigation Measures

The following requirements or exceptions shall apply to all users, unless otherwise specified.

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

(2) Irrigation of existing landscaping shall comply with the following provisions:

a. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays, and/or Sundays.

b. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Wednesdays, and/or Saturdays.

(3) Irrigation of new landscaping shall comply with the following provisions:

a. New Landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.

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

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

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

e. Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Code if the zone in question is for an area that contains at least fifty percent (50%) new landscaping. If a zone contains less than fifty percent (50%) new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

(4) Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair with an attendant on-site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.

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

a. Such watering-in shall be limited to one (1) application in the absence of specific alternative instructions from the manufacturer; and

b. Such watering-in shall be accomplished during normal watering days and times listed above unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(6) Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.

(7) In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.

(8) In the event the District imposes restrictions on landscape irrigation for new and existing installations which are more restrictive than those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.

(9) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Code, which affect each particular water use.

Sec. 21-75 Additional Measures

Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, Florida Statutes and LDR Schedule J, Landscape Installation, Irrigation and Maintenance Standards and Requirements.

Sec. 21-76 Variance Relief

(1) Any user affected by this Code may apply for a variance to the City Manager or their designee. A variance from specific day or days identified in Article VI.- Mandatory Year-Round Irrigation Restrictions for permanent Year-Round Irrigation Restrictions

Sec. 21-74 may be granted if strict application of the restrictions would lead to unreasonable or unfair result, provided the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant, or those the applicant serves. Relief may be granted only upon a demonstration that such hardship exists, is peculiar to the person or the affected property, is not self-imposed, and further demonstrates that granting the variance would be consistent with the general intent and purpose of this Code.

(2) Examples of circumstances for a variance include, but are not limited to:

a. Two (2) or more properties which share a common source of water;

b. A public or private water system experiencing or anticipating distribution problems;

c. A user maintains an irrigation system that uses soil moisture sensors or weather-based irrigation controllers; or

d. Where a contiguous property is divided into different zones, a variance may be granted so that each zone may be irrigated on days different than other zones of the property.

However, no single zone may be irrigated more than two (2) days per week.

(3) Upon receipt of an application for variance from the requirements of this Article VI.- Mandatory Year-Round Irrigation Restrictions for permanent Year-Round Irrigation Restrictions Sec. 21-74, the City of Lauderdale's City Manager or their Designee shall render a decision on the variance within 45 days. Denials of variance relief may be appealed to the city governing body within 30 days of the user's receipt of the notice of denial. Any notice of denial or subsequent appeal shall be sent by certified mail, return receipt requested.

Sec. 21-77 Enforcement

Every law enforcement official having jurisdiction in the area governed by this Code shall, in connection with all other duties imposed by law, diligently enforce the provisions of this Code by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. The city manager may also delegate enforcement responsibility for this Code to other departments of the city in the service areas governed by this Code, in accordance with state and local law.

Sec. 21-78 Penalties

Any user who violates any provision of this Code shall also be subject to the City of Lauderhill's remedies as authorized the City of Lauderhill's Code of Ordinances, or as otherwise then allowed by law. The applicable penalties shall be determined by the forum selected to enforce the violation.

SECTION 4. Conflict. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

DATED this _____ day of _____, 2021.

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED on second reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSTON

