



## CITY COMMISSION ORDINANCE/RESOLUTION

**TITLE:** Ordinance 21-22 (Utilities)

**DESCRIPTION:** AN ORDINANCE OF CITY OF COOPER CITY, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); AMENDING CHAPTER 25 OF THE CITY’S CODE OF ORDINANCES, ENTITLED “DEVELOPMENT STANDARDS” BY SPECIFICALLY AMENDING ARTICLE III, ENTITLED “LANDSCAPING”; CREATING SECTION 25-52, TO BE ENTITLED “YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES;” PROVIDING DEFINITIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**CITY MANAGER RECOMMENDATION:**

The City Manager Recommends approval of Ordinance 21-22, amending Chapter 25 of the City’s Code of Ordinances to implement year-round landscape irrigation restrictions.

**BACKGROUND OF ITEM:**

In 2010, both the South Florida Water Management District (SFWMD) and Broward County enacted regulations generally restricting landscape irrigation to certain days of the week, and only certain hours of the day, based on property address. These regulations apply to all of Broward County, including Cooper City. In 2020, the City received a letter from SFWMD requesting that the City adopt its own ordinance that is in compliance with their year-round irrigation rule. A copy of the letter is attached along with the SFWMD adopted ear-round irrigation restriction rule.

**ANALYSIS:**

Staff agrees that the City benefits from adopting its own ordinance. First, it gives the City more clear authority to enforce irrigation restrictions. Second, water conservation measures are very

Carefully considered by SFWMD when reviewing the City’s application to renew its consumptive water use permit (the current permit expires in 2030). Finally, there is no disadvantage to adopting this ordinance because irrigation restrictions are already in place county-wide.

**FISCAL IMPACT:**

N/A

<u>General Ledger Acct. Number</u>	<u>Budgeted Amount</u>	<u>Requested Amount</u>	<u>Remaining Amount</u>

**ALTERNATIVES:**

The City Commission could opt not to adopt this proposed ordinance, but that may prove to be disadvantageous to the City over time.

**ATTACHMENTS:**

- 1. Ordinance 21-22
- 2. SFWMD Letter dated 2/24/2020
- 3. 40E-24, F.A.C

**ORDINANCE NO. 21-22**

**AN ORDINANCE OF CITY OF COOPER CITY, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); AMENDING CHAPTER 25 OF THE CITY’S CODE OF ORDINANCES, ENTITLED “DEVELOPMENT STANDARDS” BY SPECIFICALLY AMENDING ARTICLE III, ENTITLED “LANDSCAPING”; CREATING SECTION 25-52, TO BE ENTITLED “YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES;” PROVIDING DEFINITIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION OF THE ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the District has promulgated Chapter 40E-2, Florida Administrative Code (F.A.C), for the consumptive use of water which includes Rule 40E-2.061, F.A.C., General Consumptive Use Permits by Rule, regulating landscape irrigation at a single family dwelling or duplex, and Rule 40E-2.071, F.A.C., Noticed General and Individual Permits, regulating larger landscape irrigation users; and

**WHEREAS**, the District promulgated and amended Chapter 40E-24, F.A.C., requiring year-round irrigation conservation measures; and

**WHEREAS**, Chapter 40E-24, F.A.C., applies to all users as defined in subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C.; and

**WHEREAS**, Chapter 40E-24, F.A.C., calls for year-round and permanent landscape irrigation restrictions, separate and independent from water shortage declarations, in accordance with Chapter 40E-21, F.A.C.; and

**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; and

**WHEREAS**, Rule 40E-24.301, F.A.C., provides that local governments may adopt a landscape irrigation ordinance that achieves water conservation consistent with Rule 40E-24.201, F.A.C., including variance and enforcement procedures; and

**WHEREAS**, the District strongly encourages local governments to adopt an ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C.; and

**WHEREAS**, it is the desire of the the City Commission of the City of Cooper City to adopt such an Ordinance in accordance with Rules 40E-24.201 and 40E-24.301, F.A.C., and the City Commission finds that doing so is in the best interests of the citizens and residents of the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA THAT:**

**SECTION 1:** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2: City Code Amended.** That Article III, entitled "Landscaping" of Chapter 25, entitled "Development Standards" of the City of Cooper City Code of Ordinances is hereby amended creating Section 25-52, to be entitled "Year-Round Irrigation Conservation Measures," as follows:

**Sec. 25-52 Year-round Irrigation Conservation Measures**

A) Intent and Purpose. It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through the efficient use of landscape irrigation.

B) Definitions. For the purposes of this section, the following terms, words, and their derivatives shall have the meaning listed below. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

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

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

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

(4) "District" means the South Florida Water Management District, a government entity created under Chapter 373, F.S.

- (5) “Even Numbered Address” means an address ending in the numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with no address, or the letters A-M.
- (6) “Existing landscaping” means any landscaping which has been planted and in the ground for more than ninety (90) days.
- (7) “Landscaping” means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas, as defined herein.
- (8) “Landscape Irrigation” means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way, except athletic play areas.
- (9) “Law Enforcement Officials” means any authorized agent or employee of the City whose duty it is to assure compliance with the City Code of Ordinances.
- (10) “Low Volume Hand Watering” means the watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.
- (11) “Low Volume Irrigation” means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.
- (12) “Micro-irrigation” means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.
- (13) “New landscaping” means any landscaping which has been planted in the ground for ninety (90) days or less.
- (14) “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.

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

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

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

(18) “Water Resource” means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

(19) “Water Shortage” means when the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.

(20) “Water Shortage Emergency” means when the District determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

C) Applicability. The provisions of this section shall apply to each user providing landscape irrigation from all water sources within the boundaries of the City of Cooper City with the following exceptions:

- 1) The use of reclaimed water, which may or may not be supplemented from another source;
- 2) Irrigation at agricultural and nursery operations; and

3) Irrigation of athletic play areas.

D) Year-Round Landscape Irrigation Conservation Measures. The City of Cooper City adopts the rules of the South Florida Water Management District, listed in Subsection 40E-24.2-1(1)-(6), F.A.C., including subsequent additions or corrections which are set out as follows:

(1) The year-round landscape irrigation conservation measures contained in this section are applicable to all users including permitted and exempt users under Chapter 40E-2, F.A.C., unless otherwise indicated. These conservation measures apply to all water resources, unless otherwise indicated. In addition to the requirements of this Section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including requirements to implement water conservation practices.

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

(3) In addition to the specific conservation measures, all wasteful and unnecessary water use, as defined in this section, is prohibited.

(4) The following requirements shall apply to all users, unless specified in Subsection (C) or Subsection (E):

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

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

i. Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Thursday and/or Sunday.

ii. Odd addresses shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Wednesday and/or Saturday.

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

i. 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 normal watering days and times.

- ii. A ninety (90) day establishment period begins on the day the 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.
- iii. 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.
- iv. 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.
- v. Irrigation of new landscaping is limited to areas only containing the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Subsection if the zone contains at least 50% new landscaping. If a zone contains less than 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, as defined in Section 2(10), or any appropriate method which isolates and waters only the new landscaping.

(5) Any water shortage, as defined in Section 2(19), restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related District Governing Board or Executive Director orders which are more restrictive than a measure contained within this Ordinance, shall supersede this Ordinance for the duration of the applicable water shortage declaration.

E) Exceptions to the Landscape Irrigation Schedules. Landscape irrigation scheduling shall be subject to the following exceptions:

(1) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes 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.

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

(a) Such watering-in shall be limited to one (1) application, unless the need for more than one (1) application is stated in the directions for application specified by the manufacturer; and

(b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in Subsection 4(4)(a) and (b), unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(3) Any plant material may be watered using low volume irrigation, as defined in Section 2(11), micro-irrigation, as defined in Section 2(12), low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this Section.

F) Additional Requirements. 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, F.S.

G) Variances.

(1) A variance from the specific day or days identified in Subsection D(4)(b) may be granted by the city commission 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 served by the applicant. If granted, the applicant shall be required to post a notice at each parcel to which the variance pertains. 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 division.

(2) The City of Cooper City recognizes all irrigation variances or waivers issued by the District under Rule 40E-24.501, F.A.C.

H) Declaration of Water Shortage or Water Shortage Emergency. Declaration of a water shortage condition and/or water shortage emergency, as defined in this Section, within all or parts of the City by the District's Governing Board or Executive Director shall supersede this Ordinance for the duration of the applicable water shortage declaration in accordance with Chapter 19, Article II of the City's Code of Ordinances. A water shortage usually occurs due to drought.

I) Enforcement.

(1) In the absence of a declaration of water shortage or water shortage emergency within all or any part of the City by the District's Governing Board or

Executive Director, the listed landscape irrigation restrictions shall be subject to enforcement action.

(2) The City authorizes law enforcement officials, as defined in this Section, having jurisdiction in the area governed by this Ordinance, to enforce the provisions of this Ordinance.

J) Penalties. Violations of any provision of this Ordinance may be punished pursuant to Section 162.21, F.S. and Section 13-79 of the City Code, and penalties may be imposed in accordance with Section 13-80 of the City's Code of Ordinances.

**Section 4.** **Codification.** It is the intention of the City Commission of the City of Cooper City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Cooper City, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

**Section 5.** **Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

**Section 6.** **Severability.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 7.** **Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

**PASSED AND FINAL ADOPTION on Second Reading this \_\_ day of \_\_\_\_\_,  
2021.**

\_\_\_\_\_  
**GREG ROSS**  
Mayor

ATTEST:

\_\_\_\_\_  
**KATHRYN SIMS**  
City Clerk

**ROLL CALL**  
Mayor Ross \_\_\_\_\_  
Commissioner Green \_\_\_\_\_  
Commissioner Meltzer \_\_\_\_\_  
Commissioner Pulcini \_\_\_\_\_  
Commissioner Shrouder \_\_\_\_\_

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
**JACOB G. HOROWITZ**  
City Attorney



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

February 24, 2020

Kathryn Sims  
City Manager  
City of Cooper City  
PO Box 290910  
Cooper City, FL 33329-0910

**Subject: Protecting South Florida's Water Resources - Water Conserving Landscape Irrigation Ordinances**

Dear Ms. Sims:

With South Florida's growing demands for water, it's especially important that we work closely together to properly manage and conserve our precious water resources. Implementing water conservation measures promotes efficient water use and decreases water waste.

Lawn irrigation can account for more than half of residential water use. Most South Florida lawns only need to be watered a few days a week (or less) to remain healthy. To encourage more responsible use of water resources throughout South Florida, the South Florida Water Management District Governing Board adopted the Mandatory Year-Round Landscape Irrigation Conservation Measures (Year-Round Irrigation Rule), Chapter 40E-24, Florida Administrative Code (FAC), in 2010. The rule restricts the times and number of days landscape irrigation is allowed within the District's jurisdiction and follows scientifically-sound recommendations for lawn irrigation. Many local governments have since enacted/updated their irrigation ordinances to promote water conservation in their respective counties and municipalities and follow the District's Year-Round Irrigation Rule.

The District is now reviewing local irrigation ordinances by all of the counties and municipalities within the District's 16-county region and is reaching out to every local government that appears to have not enacted or updated their own irrigation ordinances. We would like to offer our assistance to you and your staff to ensure your local government's irrigation ordinance is in compliance with the District's Year-Round Irrigation Rule. Please note that local ordinances can be *more* restrictive than the Year-Round Irrigation Rule but cannot be less restrictive. We look forward to working with you and your staff to help put consistent rules and ordinances in place across South Florida so that residents understand and comply with all irrigation requirements.

Our partnership supports a safe and reliable water supply for South Florida's future, and we kindly request, **within four weeks from the date of this letter**, an update of your local government's plan to update its ordinance. The District's water conservation team, including myself, are always available to provide any assistance. The District also has templates and other information available that can be used to guide this update.



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

If you have any questions or would like to discuss how we can assist, please contact me at [melsner@sfwmd.gov](mailto:melsner@sfwmd.gov) or (561) 682-6156; or Jim Harmon, the District Water Conservation Supervisor, at [jharmon@sfwmd.gov](mailto:jharmon@sfwmd.gov) or (561) 682-6777.

Sincerely,

A handwritten signature in purple ink that reads "Mark E. Elsner".

Mark E. Elsner, P.E.  
Water Supply Bureau Chief

ME/lhc

Enclosure: Mandatory Year-Round Landscape Irrigation Conservation Measures Rule Fact Sheet

Prepared By and Return To:  
Central Broward Water Control District  
8020 Stirling Road  
Hollywood, FL 33024  
954-432-5110

Folio No.: 504036100020

**DRAINAGE, FLOWAGE AND STORAGE EASEMENT**

THIS DRAINAGE, FLOWAGE AND STORAGE EASEMENT is granted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by City of Cooper City a Municipal Company, whose address is 9090 SW 50th Place, Cooper City hereinafter referred to as "Grantor" to **CENTRAL BROWARD WATER CONTROL DISTRICT**, a political subdivision of the State of Florida, located at 8020 Stirling Road (Davie) Hollywood, Florida 33024, hereinafter referred to as "District".

WITNESSETH:

That the Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant and convey:

To District, its successors and assigns, a perpetual and non-exclusive Drainage, Flowage and Storage Easement for the drainage, flowage and storage of stormwater, and construction and maintenance of a lake/pond, together with any necessary appurtenances incidental and necessary thereto, over, across and through the real property, owned by Grantor in fee simple and legally described in Exhibit "A" attached hereto and made a part hereof, ("Grantor's Property"), together with ingress and egress across said Drainage, Flowage and Storage Easement Area for the purpose of constructing, maintaining and repairing the lake/pond, drainage system and appurtenances contained therein and to make a proper and adequate drainage system that District, its successors and assigns may establish.

The portion of Exhibit "A" comprising the easement is described in Exhibit "B", attached,

("Drainage, Flowage and Storage Easement").

This Easement is subject to the following terms, conditions and covenants:

1. Although the easement granted to the District herein is non-exclusive, should any easements over the Drainage, Flowage and Storage Easement Area be granted, subsequent to the date of this easement, the holder of any such subsequent easement shall be required to obtain approval from the District for the use of the Drainage, Flowage and Storage Easement Area. Such approval by the District shall not be unreasonably withheld or delayed.
2. Grantor acknowledges that the Drainage, Flowage and Storage Easement Area will be used for drainage from Grantor's property and for drainage of property adjacent thereto.
3. No improvements, trees, landscaping or encroachments including utilities shall be placed within the Drainage, Flowage and Storage Easement Area without the approval of and a permit from the District, which approval shall not be unreasonably withheld, denied or delayed.
4. The rights granted herein to the District may be released or modified by a written, recordable release or modification approved by the Grantor and executed by the District.
5. Grantor acknowledges that Grantor and Grantor's successors and assigns shall be responsible for construction, maintenance, and repair of the lake/pond and all drainage facilities constructed within the Drainage, Flowage and Storage Easement Area and that District shall have the right but not the obligation to maintain or repair said lake/pond, drainage facilities within the Drainage, Flowage and Storage Easement Area.
6. Grantor acknowledges and affirms that Grantor shall be responsible for maintaining the lake/pond bank slope located within the limits of the Exhibit "A" property and on the Exhibit "B" property from the Exhibit "B" property to the lake/pond deep cut line, which is defined as the bank slope beginning at three feet below the District's water control elevation. Any erosion or change in grade of the lake/pond bank slope from design grade within the limits of the Exhibit "B" property and lake/pond deep cut line shall be repaired/corrected by the Grantor to the satisfaction of the District.
7. Grantor acknowledges that in the event the District incurs any expenses in maintaining the lake/pond and/or drainage facilities within the Drainage, Flowage and Storage Easement



Area, Grantor and Grantor's successors and assigns shall reimburse District for said expenses including attorney's fees and costs to collect said expenses. However, before incurring any expenses, except in an emergency, District shall provide written notice to Grantor at least five (5) working days prior to performing any work to maintain or repair said drainage facilities. During this period of time, Grantor and Grantor's successors and assigns may perform the work proposed by District or notify District that Grantor will perform said work to District's requirements in a reasonable period of time.

8. This Easement is subject to the Drainage, Flowage and Storage Easement Area remaining in perpetuity as a lake/pond area.

9. At the request of the Grantor, District shall provide an estoppel letter from time to time confirming whether any outstanding amounts are due by Grantor to District under this Easement.

**NOTE: This Drainage, Flowage and Storage Easement is subject to the terms and provisions of a Maintenance and Indemnification Agreement between the Grantor and District that will be recorded in the Broward County Public Records.**

IN WITNESS WHEREOF, the said Grantor has caused this presents to be signed in its name by their proper officer, the day and year above written.

Signed, sealed and delivered in the presence of:

"Grantor"

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Printed Name

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Printed Name

By: \_\_\_\_\_

\_\_\_\_\_  
Name and Title

**FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this (date) \_\_\_\_\_ by (name of person acknowledging) \_\_\_\_\_, who is personally known to me or who has produced (type of identification) \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

**FOR A CORPORATION:**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this (date)\_\_\_\_\_ by (name of officer or agent, title of officer or agent)\_\_\_\_\_, of (name of corporation acknowledging)\_\_\_\_\_, a (state or place of formation)\_\_\_\_\_ corporation, on behalf of the corporation. He/She is personally known to me or has produced (type of identification)\_\_\_\_\_ as identification.

*(Continued on next page)*

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

**FOR A LIMITED LIABILITY COMPANY:**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this (date)\_\_\_\_\_ by (name of member, manager, officer or agent, title of member, manager, officer or agent)\_\_\_\_\_  
\_\_\_\_\_, of (name of corporation acknowledging)\_\_\_\_\_, a (state or place of formation)\_\_\_\_\_ limited liability company, on behalf of the company, who is personally known to me or who has produced (type of identification) \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

*(only use the appropriate format from 4a, 4b, 4c, or 4d and omit the page 4 optional pages not used)*

**FOR A PARTNERSHIP:**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this (date)\_\_\_\_\_ by (name of partner or agent)\_\_\_\_\_, partner (or agent) on behalf of (name of partnership)\_\_\_\_\_ a partnership.

He/She is personally known to me or has produced (type of identification)\_\_\_\_\_ as identification.

\_\_\_\_\_  
(Signature of person taking acknowledgment)

\_\_\_\_\_  
(Name typed, printed or stamped)

\_\_\_\_\_  
(Title or rank)

\_\_\_\_\_  
(Serial number, if any)

*(only use the appropriate format from 4a, 4b, 4c, or 4d and omit the page 4 optional pages not used)*

## EXHIBIT A

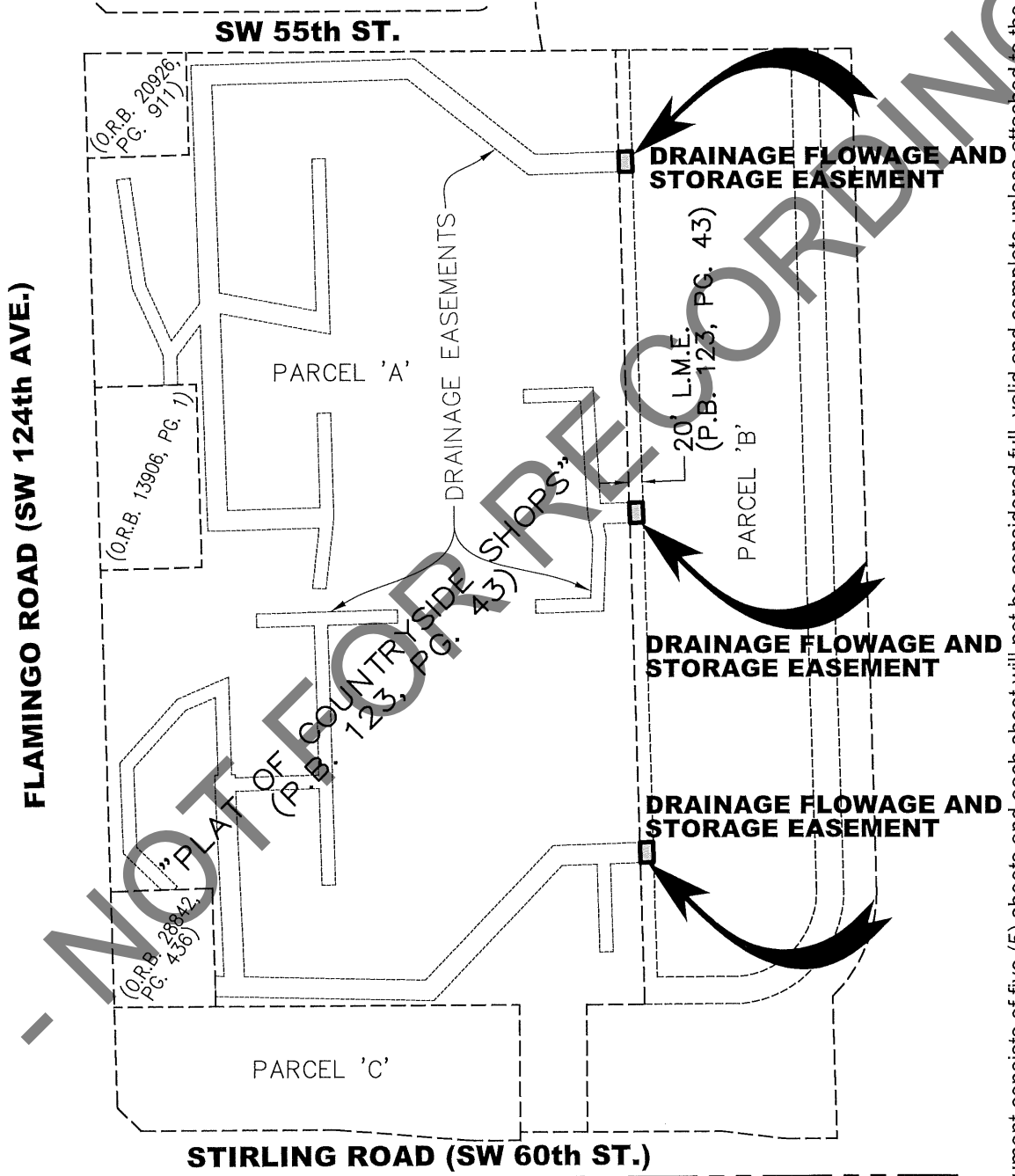
All of Parcel B, Countryside Shops, according to the plat thereof, as recorded in Plat Book 123, Page 43, of the Public Records of Broward County, Florida.

### CBWCD DRAINAGE FLOWAGE AND STORAGE EASEMENT (COUNTRYSIDE SHOPS REDEVELOPMENT)

A PORTION OF PARCEL 'B', "PLAT OF COUNTRYSIDE SHOPS", PLAT BOOK 123, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 40 EAST, CITY OF COOPER CITY, BROWARD COUNTY, FLORIDA.

Folio Number: 5040 36 10 0020

#### EXHIBIT "B"



LOCATION MAP  
(NOT TO SCALE)

This document consists of five (5) sheets and each sheet will not be considered full, valid and complete unless attached to the others.



**TRANSAMERICA • ESM INC.**  
 PROFESSIONAL LAND SURVEYOR AND MAPPER  
 CERTIFICATE OF AUTHORIZATION NO. L.B.# 8018  
 7971 NW 186th TERR., HIALEAH, FLORIDA 33015  
 OFFICE: (305) 829-8600 MOBILE: (786) 402-4475  
 E-MAIL: QUINTANA\_J@COMCAST.NET

DRAWN: A.J.
CHECKED: J.A. Quintana.
SCALE: AS NOTED
DATE: 06-13-2021
PROJ. #: 2019 01

SHEET:
1
OF 5 SHEETS


### CBWCD DRAINAGE FLOWAGE AND STORAGE EASEMENT (COUNTRYSIDE SHOPS REDEVELOPMENT)

A PORTION OF PARCEL 'B', "PLAT OF COUNTRYSIDE SHOPS", PLAT BOOK 123, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 40 EAST, CITY OF COOPER CITY, BROWARD COUNTY, FLORIDA.

#### EXHIBIT "B"

#### LEGEND AND ABBREVIATIONS:

CBWCD Central Broward Water Control District  
 L.M.E. Lake Maintenance Easement  
 P.O.B. Point of Beginning  
 P.O.C. Point of Commencement  
 P.O.T. Point of Termination  
 PG. Page  
 P.B. Plat Book

SEC. Section  
 U.E. Utility Easement  
 Section Corner


#### SURVEYOR'S REPORT:

- The survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- This sketch does not represent a land survey.
- Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- This document consists of five (5) sheets and each sheet will not be considered full, valid and complete unless attached to the others.
- Bearings shown hereon are based on an assumed value of S01°44'41"E along the West line of Parcel 'B' of "PLAT OF COUNTRYSIDE SHOPS", according to the Plat thereof, as recorded in Plat Book 123, Page 43, of the Public Records of Broward County, Florida.
- The easements strips shown hereon form closed geometric figures.
- The property shown hereon was not abstracted by this firm for ownership, rights-of-way, easements or other matters of record.
- The intent of these easements description is to encompass the storm water utilities and related facilities, as shown on the Thomas Engineering Group Paving, Grading and Drainage Plan Phases I and II, Project No.: F130140.

#### SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: that the SKETCH AND LEGAL of the property described hereon was made under my supervision and that the SKETCH AND LEGAL meets the Standard of Practice set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 5J-17 Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey.

TRANSAMERICA, ESM. INC. L.B.# 8018

  
 Julio A. Quintana  
 Professional Surveyor and Mapper No. 6214  
 State of Florida

12/1/21  
2 of 5  
TAG

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 7971 NW 186th TERR., HIALEAH, FLORIDA 33015  
 OFFICE:(305)829-8600 MOBILE:(786) 402-4475  
 E-MAIL: QUINTANA\_J@COMCAST.NET

DRAWN: A.J.
CHECKED: J.A.Quintana.
SCALE: N/A
DATE: 06-13-2021
PROJ. #: 2019 01

SHEET:
2
OF 5 SHEETS



**CBWCD DRAINAGE FLOWAGE AND STORAGE EASEMENT LEGAL DESCRIPTION (COUNTRYSIDE SHOPS REDEVELOPMENT)**

A PORTION OF PARCEL 'B', "PLAT OF COUNTRYSIDE SHOPS", PLAT BOOK 123, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 40 EAST, CITY OF COOPER CITY, BROWARD COUNTY, FLORIDA.

**EXHIBIT "B"**

**LEGAL DESCRIPTION:**

The CBWCD Drainage Flowage and Storage Easements being a portion of Parcel 'B' of "PLAT OF COUNTRYSIDE SHOPS", according to the Plat thereof, as recorded in Plat Book 123, Page 43, of the Public Records of Broward County, Florida, in Section 36, Township 50 South, Range 40 East, City of Cooper City, Broward County, Florida, being more particularly described as follows:

A strip of land 30.00 feet in width, lying 15.00 feet to the left and 15.00 feet to the right of the following described centerline; COMMENCE at the NW corner of said Parcel 'B'; thence S01°44'41"E as a basis of bearings along the West line of said Parcel 'B' for a distance of 165.33 feet to POINT "A"; thence continue S01°44'41"E along said line for a distance of 518.46 feet to POINT "B"; thence continue S01°44'41"E along said line for a distance of 502.42 feet to the POINT OF BEGINNING of the aforementioned strip of land; thence N87°52'56"E for a distance of 20.00 feet to the point of intersection with the East line of a 20 foot lake maintenance easement as shown in said plat of "PLAT OF COUNTRYSIDE SHOPS", said point also being the POINT OF TERMINATION of aforementioned strip of land.

TOGETHER with a strip of land 30.00 feet in width lying 15.00 feet to the left and 15.00 feet to the right of the following described centerline; BEGIN at the herein above described POINT "A"; thence N88°18'29"E for a distance of 20.00 to the point of intersection with the East line of a 20 foot lake maintenance easement as shown in said plat of "PLAT OF COUNTRYSIDE SHOPS", said point also being the POINT OF TERMINATION of aforementioned strip of land.

TOGETHER with a strip of land 30.00 feet in width lying 15.00 feet to the left and 15.00 feet to the right of the following described centerline; BEGIN at the herein above described POINT "B"; thence N88°13'45"E for a distance of 20.00 feet to the point of intersection with the East line of a 20 foot lake maintenance easement as shown in said Plat of "PLAT OF COUNTRYSIDE SHOPS", said point also being the POINT OF TERMINATION of aforementioned strip of land.

The side lines of said easements are to be lengthened or shortened at angle and intersections points to form a contiguous strip of land along the route described and also in order to terminate at the boundaries or limits of any aforementioned boundaries or easement lines. Having an area of 1,800 square feet, more or less. Lying and being in City of Cooper City, Broward County, Florida.

12/10/21  
SJS  
RA

This document consists of five (5) sheets and each sheet will not be considered full, valid and complete unless attached to the others.

**TA** **TRANSAMERICA, • ESM INC.**  
 PROFESSIONAL LAND SURVEYOR AND MAPPER  
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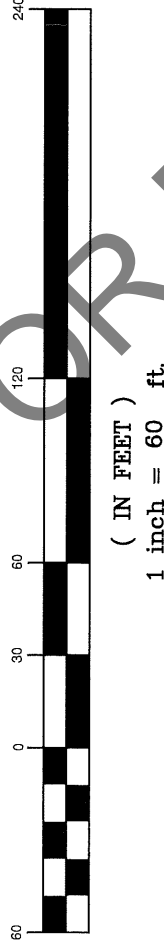
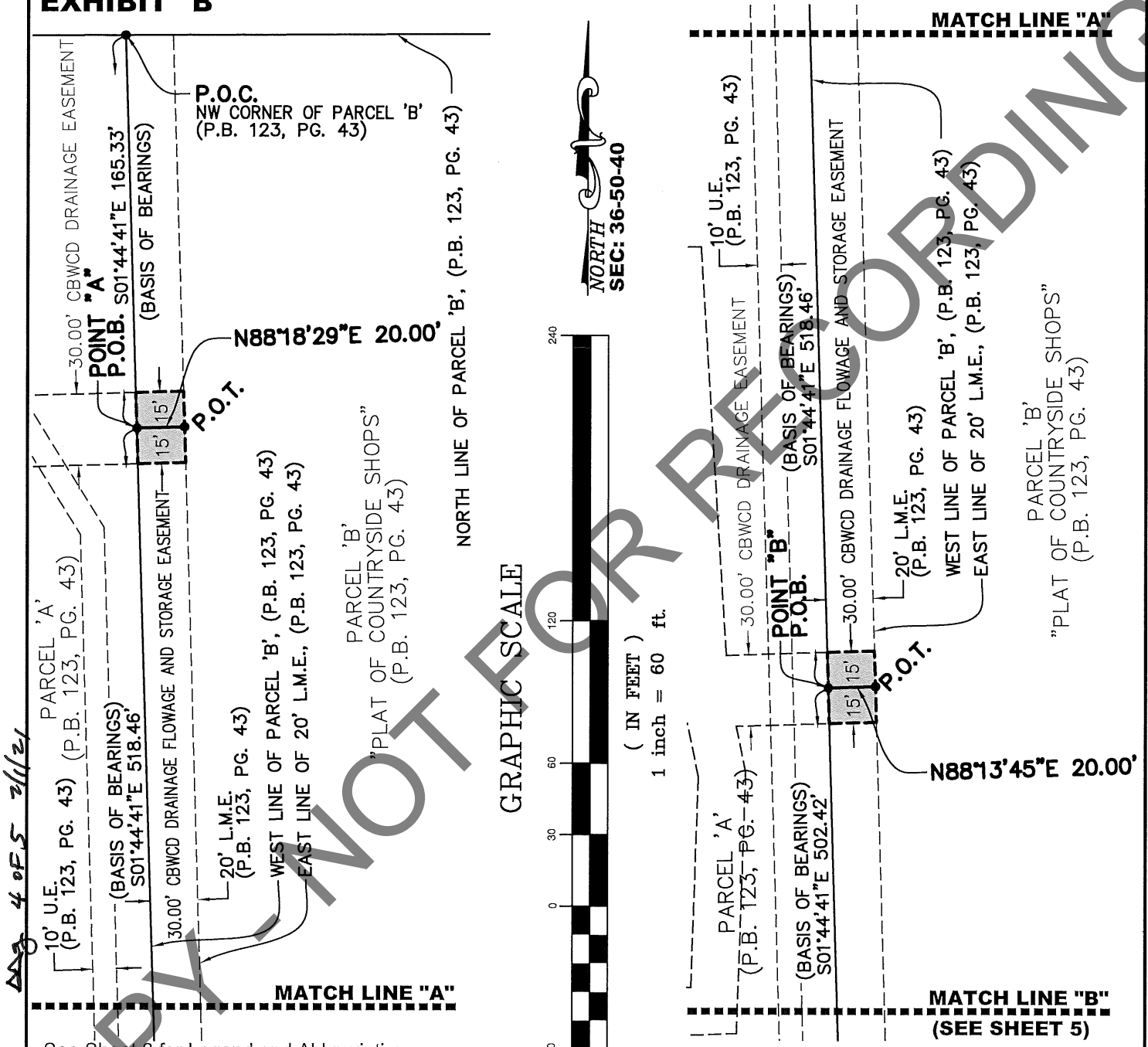
DRAWN: A.J.  
 CHECKED: J.A.Quintana.  
 SCALE: N/A  
 DATE: 06-13-2021  
 PROJ. #: 2019 01

SHEET:  
**3**  
 OF 5 SHEETS

**SKETCH TO ACCOMPANY CBWCD DRAINAGE FLOWAGE AND STORAGE EASEMENT LEGAL DESCRIPTION (COUNTRYSIDE SHOPS REDEVELOPMENT)**

A PORTION OF PARCEL 'B', "PLAT OF COUNTRYSIDE SHOPS", PLAT BOOK 123, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 40 EAST, CITY OF COOPER CITY, BROWARD COUNTY, FLORIDA.

**EXHIBIT "B"**



4 of 5 2/1/21

- See Sheet 2 for Legend and Abbreviations.
- This sketch does not represent a land survey.
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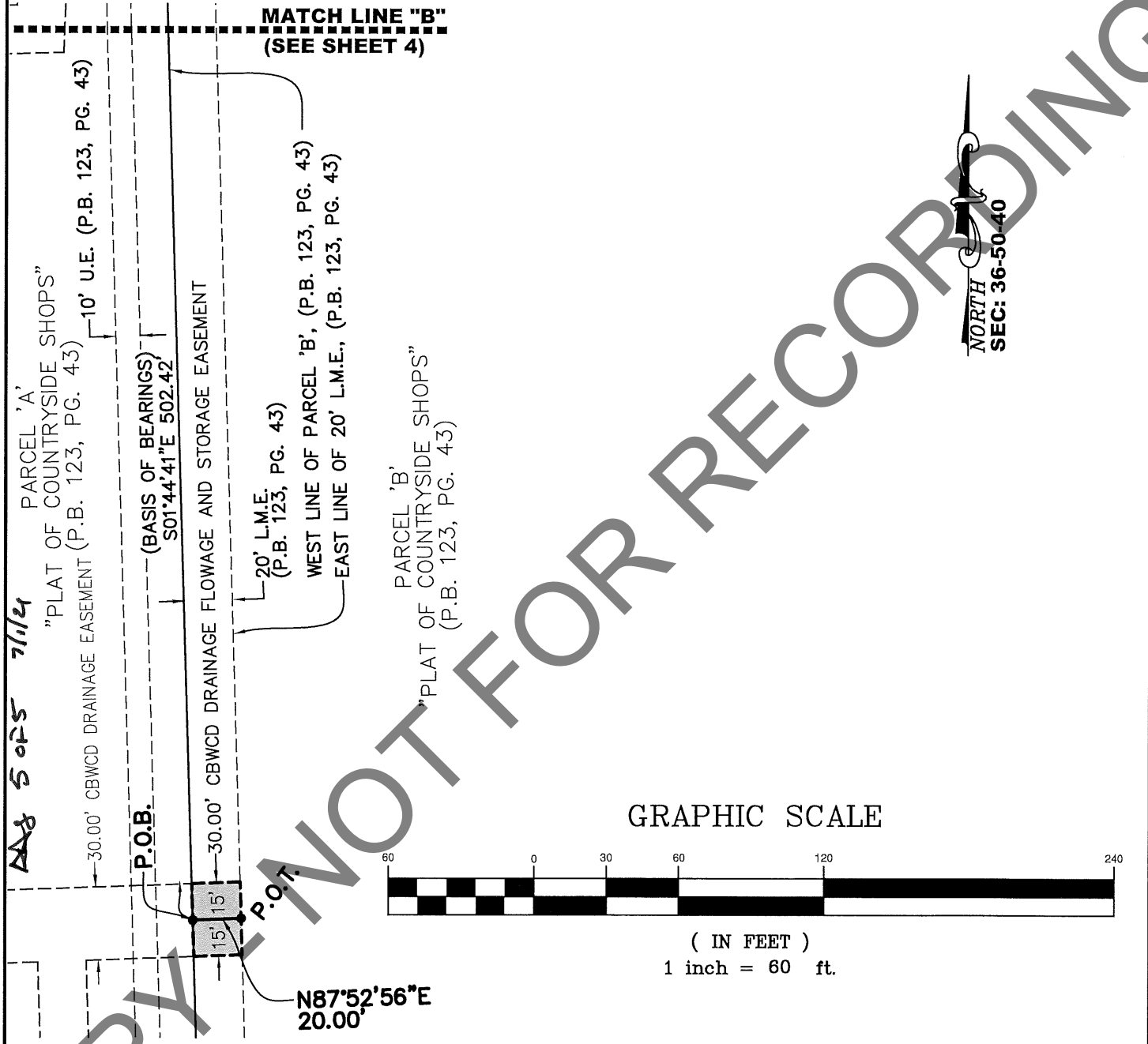
DRAWN: A.J.
CHECKED: J.A.Quintana.
SCALE: AS NOTED
DATE: 06-13-2021
PROJ. #: 2019 01

SHEET:
<b>4</b>
OF 5 SHEETS

**SKETCH TO ACCOMPANY CBWCD DRAINAGE FLOWAGE AND STORAGE EASEMENT LEGAL DESCRIPTION (COUNTRYSIDE SHOPS REDEVELOPMENT)**

A PORTION OF PARCEL 'B', "PLAT OF COUNTRYSIDE SHOPS", PLAT BOOK 123, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 40 EAST, CITY OF COOPER CITY, BROWARD COUNTY, FLORIDA.

**EXHIBIT "B"**



A&S 5 of 5 7/1/24

- See Sheet 2 for Legend and Abbreviations.
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SHEET:
<b>5</b>
OF 5 SHEETS

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**CHAPTER 40E-24  
MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION MEASURES CONSERVATION MEASURES**

- 40E-24.011 Policy and Purpose
- 40E-24.101 Definitions
- 40E-24.201 Year-Round Landscape Irrigation Conservation Measures
- 40E-24.301 Local Government Option
- 40E-24.401 Enforcement
- 40E-24.501 Variances and Waivers

**40E-24.011 Policy and Purpose.**

(1) This chapter comprises the Mandatory Year-Round Landscape Irrigation Conservation Measures within the boundaries of the South Florida Water Management District (District). These mandatory conservation measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Water savings achieved by public and private water supply utilities through conservation may be used to extend the availability of all water sources to meet future demands and defer the need for additional capital investment in alternative water supplies, subject to compliance with Chapter 40E-2, F.A.C. Local governments are encouraged to implement these conservation measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to the Chapter 40E-2, F.A.C., provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These conservation measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to two days per week except as specified herein. Users are encouraged to apply no more than 3/4-inch to 1-inch of water per week on their lawns and landscapes and only as needed to supplement rainfall. However, provisions have been made in this chapter to allow landscape irrigation three days per week in designated counties to address utility operational, health, and safety and landscape concerns.

(2) This chapter applies to all water users unless specified otherwise herein.

(3) This chapter only applies to landscape irrigation as defined herein. This chapter does not apply to agricultural irrigation.

(4) In concert with the establishment of the year round landscape irrigation conservation measures of this chapter, the District commits to the following activities:

(a) Coordinate with stakeholders to develop and implement a water conservation partnership plan to further promote conservation and efficient use of water;

(b) On at least an annual basis, evaluate the implementation and effectiveness of the District’s water conservation partnership plan; and,

(c) No later than five years from the effective date of this chapter, District staff shall provide the Governing Board with recommendations based on a comprehensive evaluation of this chapter and its implementation. The Governing Board may revise this chapter at any time, as it deems appropriate.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History–New 6-12-03, Amended 3-15-10, 7-14-14.*

**40E-24.101 Definitions.**

When used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History—New 6-12-03, Amended 3-15-10, 7-14-14.*

#### **40E-24.201 Year-Round Landscape Irrigation Conservation Measures.**

(1) The year-round landscape irrigation conservation measures contained in this chapter are applicable to all users as defined in subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C., unless indicated otherwise herein. These conservation measures apply to all water sources, except that the use of reclaimed water, which may or may not be supplemented from another source, is allowed anytime. In addition to the requirements of this section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including those designed to require the implementation of water conservation practices.

(2) Any restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related Board or Executive Director orders which are more restrictive than a measure contained within this chapter, shall supersede this rule for the duration of the applicable water shortage declaration.

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

(4) In addition to the specific conservation measures enumerated below, all wasteful and unnecessary water use as defined in subsection 40E-24.101(15), F.A.C., is prohibited.

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

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

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

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

2. The ninety (90) day period begins the day the 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.

3. 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 Sunday.

4. 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 Saturday.

5. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 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 under this paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

(c) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes 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 test should not exceed 10 minutes per zone.

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

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

2. Such watering-in shall be accomplished during normally allowable watering days and times set forth in paragraph (5)(a), subsections (6) and (7) unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

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

(6) Except as authorized in subsection (7), below, irrigation of existing landscaping shall comply with the following provisions:

(a) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address as defined in subsection 40E-24.101(4), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Thursday and Sunday.

(b) Odd addresses as defined in subsection 40E-24.101(12), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Wednesday and Saturday.

(7) Users located in Broward, Collier, Glades, Hendry, Lee, Martin, Miami-Dade, Monroe, Palm Beach, and St. Lucie counties shall irrigate existing landscaping in accordance with the provisions set forth in subsection (6), above, or as provided below.

(a) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address as defined in subsection 40E-24.101(4), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Tuesday, Thursday and Sunday.

(b) Odd addresses as defined in subsection 40E-24.101(12), F.A.C., shall have the opportunity to accomplish necessary landscape irrigation only on Monday, Wednesday and Saturday.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227 FS. History–New 6-12-03, Amended 3-15-10, 7-14-14.*

#### **40E-24.301 Local Government Option.**

(1) Local governments that wish to enforce alternative landscape irrigation conservation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation consistent with the number of days and times for landscape irrigation set forth in subsections 40E-24.201(5)-(7), F.A.C. Such ordinance shall provide for variance and enforcement procedures that do not diminish the effectiveness of the measures.

(2) Local governments with a jurisdiction divided between the South Florida Water Management District and another water management district may enact an ordinance providing for alternative landscape irrigation conservation measures as necessary for the local government to achieve a uniform schedule within its jurisdiction that is in accordance with at least one of the involved water management district rules.

(3) At least thirty (30) days prior to the adoption of an ordinance for alternative landscape irrigation conservation measures, the local government shall submit the proposed ordinance to the District.

(4) In order to evaluate the effectiveness of the alternative conservation measures, such local governments shall provide an annual report to the District which includes any variances granted or denied, enforcement actions taken and any measures proposed to be amended in the next reporting period. Each annual report shall be submitted to the District no later than September 30th of each year following the adoption of this chapter.

(5) Users within the jurisdiction or customers of such local governments shall comply with the alternative landscape irrigation conservation measures contained within the ordinance implementing that program and are not subject to the measures contained in subsections 40E-24.201(5)-(7), F.A.C.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.219, 373.223, 373.227, 373.609 FS. History–New 6-12-03, Amended 3-15-10.*

#### **40E-24.401 Enforcement.**

(1) As required by Section 373.609, F.S., each county and city commission, state and county attorney, sheriff, police officer and other appropriate local government official in the region covered by this chapter which is not implementing alternative landscape irrigation conservation measures pursuant to a local government ordinance, shall respond to address-specific or location-specific violations of this chapter upon request from the District.

(2) A local government is strongly encouraged to enforce Rule 40E-24.201, F.A.C., within its jurisdiction by adopting an ordinance that incorporates the provisions set forth in Rule 40E-24.201, F.A.C. At least thirty (30) days prior to the adoption of an ordinance to enforce Rule 40E-24.201, F.A.C., the local government shall submit the proposed ordinance to the District.

(3) In enforcing the provisions of this chapter the District will utilize any of the enforcement remedies available pursuant to Chapter 120 or 373, F.S., or applicable District rule. The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7) and 120.69, F.S., to enforce the provisions of this chapter.

*Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.119, 373.171, 373.175(4), 373.219, 373.227, 373.246(7), 373.603, 373.609 FS. History–New 6-12-03, Amended 3-15-10.*

#### **40E-24.501 Variances and Waivers.**

(1) Users may request relief from the provisions of this chapter by filing a petition for variance or waiver pursuant to Section 120.542, F.S. and Chapter 28-104, F.A.C. Examples of circumstances, which, subject to the above-referenced statute and rule and the provisions below, may be candidates for the issuance of a variance, include but are not limited to:

- (a) Two or more properties which share a common source of water;
- (b) A public or private water system experiencing, or anticipating distribution problems that cannot be addressed through Rule 40E-24.301, F.A.C.;
- (c) User maintains an irrigation system that uses soil moisture sensors with remote monitoring and adjustment capabilities that satisfies the requirements set forth in Section 373.62(7), F.S.

(2) A variance or waiver is invalid if it has expired or if the user or its agent violates the terms of the variance or waiver.

(3) Where a local government has adopted an ordinance incorporating the provisions set forth in Rule 40E-24.201, F.A.C., or

alternative landscape irrigation measures pursuant to Rule 40E-24.301, F.A.C., the local government may grant a variance from the specific day or days for landscape irrigation identified in the ordinance, or the specific day or days for landscape irrigation identified in the ordinance adopting the alternative landscape irrigation measures, provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial hardship on the applicant requesting the variance or those served by the applicant. If granted, the applicant shall be required to post a notice at each parcel to which the variance pertains.

*Rulemaking Authority 120.542, 373.044, 373.113, 373.171 FS. Law Implemented 120.542, 373.119, 373.171, 373.175(4), 373.219, 373.227, 373.246(7), 373.603, 373.609 FS. History—New 3-15-10.*



# LEASE FINANCING PROPOSAL

Meeting Date: 09/28/2021 Item #10.

Requested by  
**Mike Schneider**

Representing



Presented To (As Lessee)  
**City of Cooper City, FL**

<b>Proposal Date:</b>	August 20, 2021	
<b>Equipment Description:</b>	(1) Pierce Velocity PUC Pumper #821	
<b>Commencement Date:</b>	October 5, 2021	
	<b><u>Option 1</u></b>	<b><u>Option 2</u></b>
<b>Equipment Cost:</b>	\$924,406	\$924,406
<b>Prepay Discount:</b>	\$30,106	\$30,106
<b>Performance Bond:</b>	<u>\$2,495</u>	<u>\$2,495</u>
<b>Amount Financed:</b>	\$896,795	\$896,795
<b>Lease Term:</b>	5 Years	7 Years
<b>First Payment Date:</b>	1/5/2023	1/5/2023
<b>Payment Frequency:</b>	Annual	Annual
<b>Lease Rate:</b>	1.89%	2.13%
<b>Payment Amount:</b>	\$190,600.78	\$140,042.19
<b>Payment Factor:</b>	0.21254	0.15616

## Qualifications:

- Pricing:** This is a lease proposal for the payment stream(s) indicated above. If any of the information identified above are not correct, please advise us so that we can determine if a new proposal is required. Other important elements of this proposal are:
  - Rate Expiration:** Signing this proposal does not in itself lock in your rate. This lease must be credit approved, contracts properly signed, and the lease funded by Leasing 2 within thirty days from the date of this proposal to protect the rates quoted.
  - Closing Costs:** There will be no up-front costs of any kind charged by Lessor including closing costs, points, administrative costs, etc. Your attorney may charge you to review the lease documents and complete the opinion letter required with our lease documentation.
  - Fixed Rates:** Rates for ten (10) years and under are fixed for the entire term. Terms over ten years have a one time rate adjustment after ten (10) years to the then current interest rates for the remaining term.
- Type of Lease:** This is a lease-purchase type of financing. After all the lease payments are made, Lessee will own the equipment without further cost.
- Financial Reporting:** All city, county and tax districts (including fire districts) will be expected to provide GAAP audited financial reports. All non-profit corporations (vfd's) will be expected to provide IRS 990 federal tax returns. If you do not maintain these types of financial reports, please contact us to discuss.
- Vendor Payable / Escrow Account (where applicable):** In the event that the truck(s) and/or equipment are not ready to be delivered, proceeds of this lease will be held in a vendor payable account until delivery/acceptance. This is a non-interest bearing account to Lessee.
- Credit Approval and Documentation:** This is a proposal only, and does not represent a commitment to lease. This financing is subject to credit review and approval and execution of mutually acceptable documentation, including the opinion of lessee's counsel opining that the agreement is legal, valid and binding, obligation of Lessee.

**Financing by:** **Leasing 2, Inc.**  
**Contact:** **Brad Meyers**  
**Phone:** 813-258-9888 x12  
**Email:** bmeyers@leasing2.com  
**Web:** www.leasing2.com

