

Year-Round Water Conservation Measures

Effective July 1, 2010 for all City of Stuart residents and businesses.

Highlights of City Ordinance #2202-10:

2-Day-A-Week Watering

- Residents and businesses of the City of Stuart are limited to a two-day-per-week landscape irrigation schedule.
 - Odd street addresses may irrigate lawns and landscapes on **Wednesdays and/or Saturdays** before 10 a.m. and/or after 4 p.m.
 - Even street addresses, no street addresses or those that irrigate both even and odd addresses within the same zones, which may include multi-family units and homeowners associations, may irrigate lawns and landscapes on **Thursdays and/or Sundays** before 10 a.m. and/or after 4 p.m.
 - Any plant material may be watered using low-volume irrigation such as drip or micro-irrigation systems, rain barrels, container or hand watering with a hose and automatic shut-off nozzle is permitted anytime.
 - 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 should not exceed 10 minutes per zone.

New Landscaping

- Additional watering for up to 90 days is allowed following the installation of new lawns and landscaping.
 - On the day new landscaping is installed, new plantings and the soil may be irrigated once without regard to the normally allowable watering days and times. Soil irrigation is also allowed immediately prior to planting.
 - New plantings that have been in place for 30 days or less may be watered on Mondays, Tuesdays, Wednesdays, Thursdays, Saturdays and/or Sundays, only before 10 a.m. and/or after 4 p.m.
 - New plantings that have been in place for 31 to 90 days may be watered on Mondays, Wednesdays, Thursdays and/or Saturdays, only before 10 a.m. and/or after 4 p.m.
 - Irrigation is limited to the areas containing new landscape only. An entire irrigation zone may be watered only if new landscaping is planted on at least 50 percent of that zone. If new landscaping is planted on less than 50 percent of an irrigation zone, only the new plantings may be watered.

Questions? Call 772-600-1206.



**BEFORE THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA**

ORDINANCE No. 2202-10

AN ORDINANCE OF THE CITY OF STUART, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION AS REGULATED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE: PROVIDING FOR VARIANCES FROM SPECIFIC DAY OF THE WEEK LIMITATIONS: PROVIDING FOR APPLICABILITY: PROVIDING FOR ENFORCEMENT: PROVIDING PENALTIES: PROVIDING FOR CODIFICATION: PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES: PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

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

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

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

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

WHEREAS, it is the desire of the Stuart City Commission to adopt such an ordinance in accordance with Rule 40E-24.201, F.A.C. and

ORDINANCE No. 2202-10
Water Conservation and Landscape Irrigation

WHEREAS, the Stuart City Commission hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF STUART, FLORIDA that:

SECTION 1. Chapter 82, Utilities, of the Code of Ordinances, City of Stuart, Florida is hereby amended at Article II, Water Division 4, Conservation, by amending various sections within, to read in their entirety, as follows:

Sec. 82-81. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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".

"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.

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

"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.

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

"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.

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

“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.

“Landscape Irrigation” means the outside watering of shrubbery, trees, lawns, 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.

“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.

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

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

“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.

“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 take water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., or uses from individual wells or pumps.

“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

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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.

Sec. 82-82. - Applicability.

The provisions of this division shall apply to all users within the city's jurisdiction, except those consumers whose exclusive water source is reclaimed water or seawater..

Sec. 82-83. - Variances.

An administrative variance may be granted by the development director from specific day or days identified in Section 82.86 if strict application of the restrictions would lead to unreasonable or unfair result in particular instances, provided that the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant requiring a variance to the applicant or those served with water by the applicant. Where a contiguous property is divided into different watering zones, an administrative variance may be granted hereunder so that each zone shall be irrigated on days different than other zones of the property. However, no single zone may be irrigated more than two days per week.

Sec. 82-84. - Acceptance of provisions of division.

The acceptance of city water service by a consumer shall be deemed an acceptance by the consumer of the provisions of this division.

Sec. 82-85. - Declaration of a water shortage or water shortage emergency.

(1) The City hereby adopts the rules of the South Florida Water Management District, Chapter 40E-21, F.A.C, and subsequent additions or corrections thereto; and the same are hereby adopted and incorporated as if fully set out at length.

(2) ___The declaration of a water shortage condition and/or water shortage emergency within all or part of the City by the Governing Board or Executive Director of the District shall invoke the provisions of this article. Upon such as declarationm all water use restrictions or other measures adopted by the District applicable to the City, or any portion thereof, shall be subject to enforcement action pursuant to this article. Any violation of the provisions of Chapter 40E-21, F.A.C., or any order issued pursuant thereto, shall be a violation of this article.

Sec. 82-86. - Year-round landscape irrigation conservation measures.

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

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- (1) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.
- (2) 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.
- (3) 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 application unless the need for more than one 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 subsections (5) and (6), unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (4) 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.
- (5) Irrigation of new landscaping shall comply with the following provisions:

 - (a)___ 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.
 - (b)___ 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.
 - (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 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 Saturday.
 - (e) 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.

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(6) 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 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.

Sec. 82-87. - Enforcement.

Every code enforcement officer, including police officers of the City shall, in connection with all other duties imposed by law, diligently enforce the provisions of this division.

Sec. 82-88. - Penalties for .

(1) Violation of any provision of this division shall be subject to the following penalties:

First violation, \$25.00;

Second violation, \$50.00;

Third and subsequent violations, \$100.00 for each violation.

(2) Each day in violation of this article shall constitute a separate offense. Law enforcement and code enforcement officers and others delegated by the city manager shall provide violators with no more than one written warning. In addition to the civil penalties provided herein, the City may seek any other appropriate legal action, including but not limited to injunctive relief to enforce the provisions of this division.

Sec. 82-89. - Discontinuing service for violation.

The city manager may suspend water service from any property when the provisions of this division or any regulations pursuant hereto have been violated. In addition, such violation shall be deemed to constitute a violation of this Code.

Sec. 82-90. - Emergency charges for water service during declared shortage.

In the event a water shortage emergency is declared, the charge of the city for water service may be increased by the city commission to discourage water usage during the water shortage emergency.

Secs. 82-91—82-110. - Reserved.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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SECTION 3: If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 4: The provisions of Section 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect July 1, 2010.

PASSED on first reading this 26th day of April, 2010.

Krauskopf offered the foregoing ordinance and moved its adoption. The motion was seconded by Christie and upon being put to a roll call vote, the vote was as follows:

MAYOR MICHAEL J. MORTELL
 VICE MAYOR CAROL S. WAXLER
 COMMISSIONER JAMES A. CHRISTIE, JR.
 COMMISSIONER MARY L. HUTCHINSON
 COMMISSIONER JEFFREY A. KRAUSKOPF

YES	NO	ABSTAIN	ABSENT
			✓
✓			
✓			
✓			
✓			

ADOPTED this 10th day of May, 2010.

ATTEST:

Cheryl White
 CHERYL WHITE
 CITY CLERK

Michael J. Mortell
 MICHAEL J. MORTELL
 MAYOR

APPROVED AS TO FORM
 AND CORRECTNESS:

Paul Nicoletti
 PAUL J. NICOLETTI
 CITY ATTORNEY

