

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**Exhibit 1  
Ordinance No. 2020 –**

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

**AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 30 - UTILITIES, ARTICLE III – WATER SERVICE, DIVISION 4 – WATER CONSERVATION, SECTION 30-133 – RESTRICTIONS ON LANDSCAPE IRRIGATION; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; 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 AND PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

35       **WHEREAS**, Chapter 40E-24, F.A.C., applies to all users as defined in subsection  
36 40E-24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2,  
37 F.A.C.; and



63 **Section 30-133** ~~Restrictions on landscape irrigation~~ **WATER CONSERVATION ORDINANCE**  
64 **FOR LANDSCAPE IRRIGATION**

65 (a) ~~For landscape and irrigation, the city shall follow the restrictions set forth by the South~~  
66 ~~Florida Water Management District as established by Chapter 40E-24, F.A.C. not otherwise~~  
67 ~~stated herein.~~

68 (a) Intent and purpose.

69 It is the intent and purpose of this Section to implement procedures that promote water  
70 conservation through the efficient use of landscape irrigation.

71 (b) Definitions.

72 For the purpose of this Section, the following terms, phrases, words, and their derivatives shall  
73 have the meaning listed below. When not inconsistent with the context, words used in the present  
74 tense include the future, words in the plural include the singular, and words in the singular include  
75 the plural.

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

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

89 (3) “Consumptive Use Permit” (CUP) means a permit issued pursuant to Chapter 40E-  
90 2, F.A.C., authorizing the consumptive use of water.

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

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

95 (6) “Existing landscaping” means any landscaping which has been planted and in the

- 96 ground for more than ninety (90) days.
- 97 (7) “Landscaping” means shrubbery, trees, lawns, sod, grass, ground covers, plants,  
98 vines, ornamental gardens, and such other flora not intended for resale, which are  
99 situated in such diverse locations as residential landscapes, recreation areas,  
100 cemeteries, public, commercial, and industrial establishments, public medians,  
101 and rights-of-way, except athletic play areas, as defined in Section 2(2).
- 102 (8) “Landscape Irrigation” means the outside watering of shrubbery, trees, lawns, sod,  
103 grass, ground covers, plants, vines, ornamental gardens, and such other flora not  
104 intended for resale, which are planted and situated in such diverse locations as  
105 residential landscapes, recreation areas, cemeteries, public, commercial, and  
106 industrial establishments, public medians, and rights-of-way, except athletic play  
107 areas.
- 108 (9) “Law Enforcement Officials” mans a certified law enforcement officer who is a duly  
109 sworn office of the city police department, code enforcement officer, or such other  
110 individual who qualifies as a law enforcement officer under F.S. 943.10(1).
- 111 (10) “Low Volume Hand Watering” means the watering of landscape by one (1) person,  
112 with one (1) hose, fitted with a self-canceling or automatic shutoff nozzle.
- 113 (11) “Low Volume Irrigation” means the use of equipment and devices specifically  
114 designed to allow the volume of water delivered to be limited to a level consistent  
115 with the water requirement of the plant being irrigated, and to allow that water to  
116 be placed with a high degree of efficiency in the root zone of the plant. The term  
117 also includes water used in mist houses and similar establishments for plant  
118 propagation. Overhead irrigation and flood irrigation are not included.
- 119 (12) “Micro-irrigation” means the application of small quantites of water on or below the  
120 soil surface as drops or tiny streams of spray through emitter or applicators placed  
121 along a water delivery line. Micro-irrigation includes a number of methods or  
122 concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface  
123 irrigation.
- 124 (13) “New landscaping” means any landscaping which has been planted in the ground  
125 for ninety (90) days or less.
- 126 (14) “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9,  
127 or the letters N-Z.

- 128 (15) “Reclaimed Water” means wastewater that has received at least secondary  
 129 treatment and basic disinfection, and is reused after flowing out of a wastewater  
 130 treatment facility as defined by Rule 62-40.210, F.A.C.
- 131 (16) “User” means any person, individual, firm, association, organization, partnership,  
 132 business trust, corporation, company, agent, employee, or other legal entity  
 133 whether natural or artificial, the United States of America, and the State and all  
 134 political subdivisions, regions, districts, municipalities, and public agencies thereof,  
 135 which directly or indirectly takes water from the water resource, including uses from  
 136 private or public utility systems, uses under water use permits issued pursuant to  
 137 Chapter 40E-2, F.A.C., or uses from individual wells or pumps.
- 138 (17) “Wasteful and Unnecessary” means allowing water to be dispersed without any  
 139 practical purpose to the water use; for example, excessive landscape irrigation,  
 140 leaving an unattended hose on a driveway with water flowing, allowing water to be  
 141 dispersed in a grossly inefficient manner regardless of the type of water use; for  
 142 example, allowing landscape irrigation water to unnecessarily fall onto pavement,  
 143 sidewalks, and other impervious surfaces; or allowing water flow through a broken  
 144 or malfunctioning water delivery or landscape irrigation system.
- 145 (18) “Water Resource” means any and all water on or beneath the surface of the  
 146 ground, including natural or artificial watercourses, lakes, ponds, or diffused  
 147 surface water, and water percolating, standing, or flowing beneath the surface of  
 148 the ground.
- 149 (19) “Water Shortage” means when the District determines there is the possibility that  
 150 insufficient water will be available to meet the present and anticipated needs of the  
 151 users, or when conditions are such as to require a temporary reduction in total use  
 152 within a particular area to protect water resources from serious harm. A water  
 153 shortage usually occurs due to drought.
- 154 (20) “Water Shortage Emergency” means when the District determines the provisions  
 155 listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public  
 156 health, safety, or welfare, the health of animals, fish, or aquatic life, a public water  
 157 supply, or commercial, industrial, agricultural, recreational, or other reasonable-  
 158 beneficial uses.
- 159 ~~(21) (b) Residents and businesses with odd-numbered addresses (address ending~~  
 160 ~~in the numbers 1, 3, 5, 7, 9, or the letters N – Z) may accomplish necessary landscape~~

161 irrigation only on Wednesday and/or Saturday before 10:00 a.m. or after 4:00 p.m. only.  
162 No area may be irrigated more than twice per week.

163 (22) ~~———— (c) Residents and businesses with even-numbered addresses (address ending~~  
164 ~~in the numbers 0, 2, 4, 6, 8, or no address, or the letters A—M) and rights-of-way may~~  
165 ~~accomplish necessary landscape irrigation only on Thursday and/or Sunday before 10:00~~  
166 ~~a.m. or after 4:00 p.m. only. No area may be irrigated more than twice per week.~~

167 (23) ~~———— (d) Landscape irrigation shall be prohibited daily between the hours of 10:00~~  
168 ~~a.m. and 4:00 p.m., except as provided herein. Watering restriction applies to all water~~  
169 ~~sources for irrigation, such as utility, lake, pond, canal, well, etc. The use of low-volume~~  
170 ~~irrigation methods, including micro-irrigation, container watering and hand watering with~~  
171 ~~a hose and automatic shut-off nozzle, is allowed any time. Irrigation using reclaimed water~~  
172 ~~is allowed any time before 10:00 a.m. or after 4:00 p.m. only. Irrigation using harvested~~  
173 ~~rainwater is allowed any time.~~

174 (24) ~~———— (e) Irrigation of new landscaping shall comply with the following provisions:~~

175 (25) ~~———— (1) On the day the new landscaping is installed, the new landscaping may be~~  
176 ~~irrigated once without regard to the normally allowable watering days and times. Irrigation~~  
177 ~~of the soil immediately prior to the installation of the new landscaping is also allowable~~  
178 ~~without regard to the normal allowable watering days and times. The new landscaping~~  
179 ~~shall be installed within a reasonable time from the date of purchase, which may be~~  
180 ~~demonstrated with a dated receipt or invoice. Irrigation of new landscaping which has~~  
181 ~~been in place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday,~~  
182 ~~Thursday, Saturday, and/or Sunday.~~

183 (26) ~~———— (2) Irrigation of new landscaping which has been in place for 31 to 90 days may~~  
184 ~~be accomplished on Monday, Wednesday, Thursday, and/or Saturday. The 90-day period~~  
185 ~~begins the day the new landscaping is installed. Irrigation of the new landscaping is limited~~  
186 ~~to areas containing the new landscaping only. An entire zone of an irrigation system shall~~  
187 ~~only be utilized for landscape irrigation under this paragraph if the zone in question is for~~  
188 ~~an area that contains at least 50 percent new landscaping. If a zone contains less than~~  
189 ~~50 percent new landscaping, or if the new landscaping is in an area that will not typically~~  
190 ~~be irrigated by an irrigation system, only the individual new plantings are eligible for~~  
191 ~~additional irrigation under this paragraph. Targeted watering may be accomplished by low~~  
192 ~~volume hand watering, or any appropriate method which isolates and waters only the new~~  
193 ~~landscaping.~~

194 (27) ~~———— (f) Irrigation systems may be operated outside restricted hours for the purpose~~  
195 ~~of system repair and maintenance, as well as landscape maintenance activities, such as~~  
196 ~~required application of water to apply fertilizer, herbicides and pesticides.~~

197 (28) ~~———— (g) If the district imposes restrictions on landscape irrigation for new and existing~~  
198 ~~installations, which are more restrictive than those imposed by this section or which~~  
199 ~~specify different days than those herein specified, such more restrictive regulations or~~  
200 ~~differently scheduled regulations shall apply in the geographic areas of the county subject~~  
201 ~~to such regulations.~~

202 (29) ~~———— (h) All other uses of the water resources as defined in this article, including but~~  
203 ~~not limited to commercial uses such as car washers, cleaning of structures such as barns,~~  
204 ~~agricultural, nursery and golf course uses, shall be restricted pursuant to the rules, orders~~

205 ~~and regulations issued from time to time by the district, provided that water shall be cut~~  
206 ~~off or shut off from use while the principal reason for its use is not being performed.~~

207 (c) Applicability.

208 The provisions of this Section shall apply to each user, as defined in paragraph (b)(16), providing  
209 landscape irrigation from all water resources within the boundaries of the City of Hallandale Beach  
210 with the following exceptions:

211 (1) The use of reclaimed water, which may or may not be supplemented from another  
212 source;

213 (2) Irrigation at agricultural and nursery operations; and

214 (3) Irrigation of athletic play areas.

215 (d) Year-round landscape irrigation conservation measures.

216 The City of Hallandale Beach adopts the rules of the South Florida Water Management District,  
217 listed in Subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions or corrections  
218 which are set out as follows:

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

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

228 (3) In addition to the specific conservation measures, all wasteful and unnecessary  
229 water use, as defined in paragraph (b)(17), is prohibited.

230 (4) The following requirements shall apply to all users, unless specified in paragraph  
231 (c) or (e).

232 a) Landscape irrigation shall be prohibited between the hours of 10:00 a.m. and  
233 4:00 p.m., except as otherwise provided.

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

235 1) Even addresses, as defined in paragraph (b)(5), installations with  
236 irrigation systems that irrigate both even and odd addresses within the

237 same zones, such as multi-family units and homeowners' associations,  
238 and rights-of-way or other locations with no address shall have the  
239 opportunity to accomplish necessary landscape irrigation two (2) days  
240 a week, only on Thursday and/or Sunday.

241 2) Odd addresses, as defined in paragraph (b)(13), shall have the  
242 opportunity to accomplish necessary landscape irrigation two (2) days  
243 a week, only on Wednesday and/or Saturday.

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

245 1) New landscaping may be irrigated once on the day it is installed  
246 without regard to the listed watering days and times. Irrigation of the  
247 soil immediately prior to the installation of the new landscaping is  
248 allowed without regard to the normal watering days and times.

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

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

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

259 5) Irrigation of new landscaping is limited to areas only containing the  
260 new landscaping. An entire zone of an irrigation system shall only be  
261 utilized for landscape irrigation under this Subsection if the zone  
262 contains at least 50% new landscaping. If a zone contains less than  
263 50% new landscaping, or if the new landscaping is in an area that will  
264 not typically be irrigated by an irrigation system, only the individual  
265 new plantings are eligible for additional irrigation. Targeted watering  
266 may be accomplished by low volume hand watering, as defined in  
267 Section (b)(10), or any appropriate method which isolates and waters  
268 only the new landscaping.

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

274 (e) Exceptions to the Landscape Irrigation Schedules.

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

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

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

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

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

292 (c) Such watering-in of fertilizers must comply with Sections 13-5 through 13-8 of  
293 this code, Our Local Coral Reef Protection Act, and with Sections 13-90  
294 through 13-110 of this code, the Florida Friendly Fertilizer Act.

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

299 (f) Additional requirements.

300 Any user who purchases and installs an automatic landscape irrigation system shall properly

301 install, maintain, and operate technology that inhibits or interrupts operation of the system during  
302 periods of sufficient moisture in accordance with Section 373.62, F.S.

303 (g) Variances.

304 (1) A variance from the specific day or days identified in Subsection (d)(4)(b) may be  
305 granted by the City Manager upon submittal of an application, letter explaining their hardship, and  
306 the applicable fee if strict application of the restrictions would lead to unreasonable or unfair result;  
307 provided the applicant demonstrates with particularity that compliance with the schedule will result  
308 in substantial economic, health, or other hardship on the applicant or those served by the  
309 applicant. If granted, the applicant shall be required to post a notice at each parcel to which the  
310 variance pertains. Relief may be granted only upon a demonstration that such hardship exists, is  
311 peculiar to the person or the affected property, is not self-imposed, and further demonstrates that  
312 granting the variance would be consistent with the general intent and purpose of this division.

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

315 (h) Declaration of Water Shortage or Water Shortage Emergency.

316 Declaration of a water shortage condition and/or water shortage emergency, as defined in Section  
317 (b)(20), within all or parts of the City of Hallandale Beach by the District's Governing Board or  
318 Executive Director shall supersede this Ordinance for the duration of the applicable water  
319 shortage declaration in accordance with Ordinance No. 2014-22. A water shortage usually occurs  
320 due to drought.

321 ~~(i) Enforcement and penalties. A violation of this section shall be subject to the following:~~

322 ~~(1) Every police officer, code enforcement officer or sheriff having jurisdiction in the area~~  
323 ~~governed by this division shall, in connection with other duties imposed by law, diligently~~  
324 ~~enforce the provision of this division.~~

325 ~~(2) Each day in violation of this division shall constitute a separate offense. The~~  
326 ~~enforcement official may provide violators with no more than one written warning. The~~  
327 ~~city, shall not take criminal sanctions for violation contained in this section, may take any~~  
328 ~~other appropriate legal action.~~

329 ~~a. First violation, \$50.00.~~

330 ~~b. Second and subsequent violations, a fine not to exceed \$250.00.~~

331 (i) Enforcement.

332 (1) In the absence of a declaration of water shortage or water shortage emergency  
333 within all or any part of the City of Hallandale Beach by the District's Governing  
334 Board, the City Manager shall have the authority to declare a water shortage or water shortage

335 Board or Executive Director, the listed landscape irrigation restrictions shall be  
336 subject to enforcement action. Any violation of the provisions of Section (d) and (e)  
337 shall be a violation of this Section.

338 (2) The City of Hallandale Beach authorizes the law enforcement officials, as defined  
339 in paragraph (b)(9), having jurisdiction in the area governed by this Section, to  
340 enforce the provisions of this Section. In addition, the City Manager may delegate  
341 this Section's enforcement responsibility to agencies and departments within the  
342 City of Hallandale Beach government.

343 (j) Penalties.

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

345 (a) For a first violation, a written warning/fine not to exceed \$50.00.

346 (b) For a second violation, a fine not to exceed \$250.00.

347 (c) For subsequent violations, a fine not to exceed \$500.00.

348 (2) Each day in violation of this Ordinance shall constitute a separate offense. Law  
349 enforcement officials and others as delegated may provide violators with no more than one (1)  
350 written warning. In addition to the civil penalties provided, the City of Hallandale Beach may take  
351 any other appropriate legal action, including, but not limited to, injunctive action to enforce the  
352 provisions of this article.

353

354 **SECTION 2. CONFLICTS.** All ordinances or portions of the Code of Ordinances of the City of  
355 Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent  
356 of such conflict.

357 **SECTION 3. SEVERABILITY.** If any portion of this Ordinance is determined by any Court to  
358 be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of  
359 the remainder of this Ordinance.

360 **SECTION 4. INCLUSION IN CODE.** It is the intention of the City Commission that the  
361 provisions of this Ordinance shall become and be made a part of the City of Hallandale Beach  
362 Code; and that the sections of this Ordinance may be renumbered or relettered and the word  
363 "Ordinance" may be changed to "section," "article," or such appropriate word or phrase in order  
364 to accomplish such intentions.

365 **SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon adoption.

366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394

PASSED AND ADOPTED ON 1<sup>ST</sup> reading on \_\_\_\_\_, 2020  
PASSED AND ADOPTED ON 2<sup>ND</sup> reading on \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

\_\_\_\_\_  
JENNIFER MERINO  
CITY ATTORNEY