

TOWN OF JUPITER
Ordinance No. 10-20 Amending the Town's Water and Irrigation Conservation Program Restrictions and Exemptions



DATE:	May 19, 2020
TO:	Honorable Mayor and Members of Town Council
THRU:	Matt Benoit, Town Manager
FROM:	David L. Brown, Director of Utilities
SUBJECT:	Ordinance No. 10-20 Amending the Town's Water and Irrigation Conservation Program Restrictions and Exemptions (2 nd Reading)

EXECUTIVE SUMMARY:

Town staff recommends adoption of Ordinance No. 10-20 amending the Town's existing Water and Irrigation Conservation Program restrictions and exemptions provided within the Town Code to provide greater consistency with the rules adopted by the South Florida Water Management District (SFWMD).

Nearly 30 years ago, to ensure sustainability of the Town's water resources through conservation, the Town adopted within its code of ordinances specific restrictions and exemptions establishing guidance on the prudent use of water and landscape irrigation. Subsequent to the Town's last code amendments to these conservation provisions, the SFWMD has amended its rules and guidance documents. In order to provide clear direction to the public, staff recommends amending the Town Code to offer greater consistency with the District's rules established within Florida Administrative Code Chapter 40E-24.

In summary, the proposed amendments are as follows:

1. Restrictions:
 - a. Increasing the allowable hours for landscape irrigation from 5:00 p.m. – 9:00 a.m. to 4:00 p.m. – 10:00 a.m.
 - b. Defining the 3 days per week permitted for landscape irrigation, determined by the odd- or even-numbering of the property address.
2. Exemptions:
 - a. Clarifying the exemption from restrictions for the use of reuse water which in Jupiter can include water other than treated waste water effluent but also irrigation-quality waters such as the by-product waters produced in membrane water treatment processes.
 - b. Providing exemptions from restrictions for new lawns and landscaping.

Lastly, should the SFWMD declare a water shortage emergency whereby water use shall be further restricted, Town Code Section 20-187(a) sets forth that such a declaration shall become also enforceable within the Town.

RECOMMENDATION:

Town staff recommends adoption of Ordinance No. 10-20 on second reading amending the Town's existing Water and Irrigation Conservation Program restrictions and exemptions provided within the Town Code to provide greater consistency with the rules adopted by the South Florida Water Management District.

Strategic Priority:

Green, Blue and Open Spaces

Attachments:

- Ordinance No. 10-20 Amending the Town's Water and Irrigation Conservation Program Restrictions and Exemptions

Funding Source:

***Funding is not necessary for this request**

For more information, please contact *Brittany George* at brittanyg@jupiter.fl.us or 561-746-5134.

ORDINANCE NO. 10-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA AMENDING THE IRRIGATIONS RESTRICTIONS CONTAINED IN CHAPTER 20, ARTICLE VII SECTION 20-344 OF THE TOWN CODE PERTAINING TO IRRIGATION RESTRICTIONS IS HEREBY AMENDED TO PROVIDE GREATER CONSISTENCY WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S YEAR-ROUND IRRIGATION RULE; PROVIDING FOR TIMES AND DAYS WHEN IN WHICH IRRIGATION IS PERMITTED IN THE TOWN; PROVIDING FOR EXEMPTIONS RELATING TO IRRIGATION WITH REUSE WATER AND THE WATERING OF NEW LANDSCAPES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Jupiter (Town) owns and operates a water utility; and

WHEREAS, it is the policy of the Town Council to ensure the sustainability of water resources through conservation; and

WHEREAS, the Town Council has previously codified irrigation rules which are effective and enforceable throughout the water utility service area of the Town; and

WHEREAS, the Town's irrigation rules codified in Section 20-344 of the Town Code and set forth restrictions, constraints and prohibitions intended to enhance and protect the Town's water resources; and

WHEREAS, the South Florida Water Management District has established water conservation rules in Chapter 40E-24, Florida Administrative Code entitled Mandatory Year-Round Landscape Irrigation Conservation Measures; and

WHEREAS, the Town's Water Utility Director has recommended to the Town Council that the irrigation conservation code requirements should be amended so that the Town's regulations are consistent with the rules adopted by the South Florida Water Management District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JUPITER, FLORIDA, AS FOLLOWS:

Section 1. Chapter 20, ARTICLE VII., Section 20-344 of the Town Code, entitled – "Restrictions" is hereby amended as follows.

- (a) Irrigation of any residential, commercial, institutional, governmental or industrial landscape areas shall be restricted to the hours of 4:00 p.m. to 10:00 a.m. daily.
- (b) Days in which landscape irrigation is permitted is as follows:
 - (1) Residents and businesses with an odd-numbered street address may irrigate lawns and landscapes on Mondays, Wednesdays and/or Saturdays.
 - (2) Residents and businesses with an even-numbered street address or those that irrigate both even and odd addresses within the same irrigation system/zones, which may include multi-family units and homeowner associations, may irrigate lawns and landscapes on Tuesdays, Thursdays and/or Sundays.
- (c) It shall be unlawful to operate or cause the operation of any irrigation system or device in a manner causing water to be wasted, including, but not limited to, any unnecessary watering and any watering of impervious areas.
- (d) Upon the effective date of the ordinance from which this article is derived, new installations of automatic irrigation systems which provide coverage of greater than one acre of irrigated area shall be equipped with a water-sensing device which will automatically discontinue irrigation during periods of rainfall.

Section 2. Chapter 20, ARTICLE VII., Sec. 20-345 of the Town Code, entitled – "Exemptions" is hereby amended as follows.

The following activities shall be exempt from the provisions of this article:

- (1) Landscape irrigation by hand-watering using a self-canceling nozzle or by means of a micro-irrigation or low-volume irrigation system.
- (2) Landscape irrigation by systems which use treated wastewater effluent and/or reuse water.
- (3) The operation of irrigation systems for the purpose of testing, repair and maintenance.
- (4) Flushing of water mains required for normal water main clearance and maintenance and for maintenance of water quality; however, where practical, contractors and utilities shall direct flushed water into pervious areas, flush at the minimum rate necessary for cleaning and disperse the water in such a manner to benefit local vegetation.
- (5) Landscape irrigation for purposes of watering in fungicides, insecticides and herbicides as required by the manufacturer or by federal or state laws; however, this exemption applies only to licensed pest control operators and commercial and business operators who normally perform such activities as part of their irrigation routines, and shall be limited to the manufacturer's recommendations.
- (6) Additional irrigation is permitted for up to 90 days following the installation of new lawns and landscaping.
 - (a) 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.
 - (b) New plantings that have been in place for 30 days or less may be irrigated on Mondays, Tuesdays, Wednesdays, Thursdays, Saturdays and/or Sundays.
 - (c) New plantings that have been in place from 31 to 90 days may be irrigated on Mondays, Wednesdays, Thursdays and/or Saturdays.
 - (d) Irrigation is to be limited to the areas containing new landscaping only. An entire irrigation zone may be irrigated 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 irrigated.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification. The sections of the Ordinance may be a part of the Town Code of Laws and Ordinances and may be renumbered or relettered to accomplish such, and the word “ordinance” may be changed to “section”, “article”, or any other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its execution.