

MEMORANDUM

TO: Max Royle, City Manager

FROM: William Tredik, P.E. Public Works Director

DATE: April 6, 2020

SUBJECT: Ordinance 20-06, Public Hearing and Second Reading, providing for local implementation of the water conservation rule for landscape irrigation of the St. Johns River Water Management District (SJRWMD).

INTRODUCTION

The SJRWMD has watering restrictions districtwide to ensure the efficient use of water for landscape irrigation, while allowing enough water use to maintain healthy landscapes year-round. The table below shows the current SJRWMD mandated watering schedule:

Time of Year	Homes with odd numbered or no addresses	Homes with even numbered addresses	Non-residential properties
Daylight Savings Time	Wednesday/Saturday	Thursday/Sunday	Tuesday/Friday
Eastern Standard time	Saturday	Sunday	Tuesday

Exceptions to the above watering schedule include:

- Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system
- Irrigation of new landscape is allowed for up to 60 days provided that the irrigation is limited to the minimum amount necessary for establishment.
- Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides when required by law, the manufacturer, or best management practices, is allowed anytime within 24 hours of application.
- Irrigation for maintenance and repair purposes, up to 20 minutes per hour per zone.
- Irrigation using a hand-held hose equipped with adjustable spray nozzle
- Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
- The use of water from a reclaimed water system is allowed anytime
- The use of recycled water from wet detention treatment ponds

The SJRWMD encourages local governments to assist in enforcing their irrigation schedule through the adoption of local ordinances incorporating the provisions of the District's rule. Sixty-nine (69) cities and counties, including St. Johns County and the City of St. Augustine, have currently adopted such an ordinance. Adoption and enforcement of local irrigation ordinances helps the state preserve and protect the State's water resources.

The SJRWMD provides an annual districtwide cost-share program to help local governments implement projects which advance the district's core mission areas, including:

- Alternative water supply or water resource development
- Water conservation
- Water quality
- Flood protection
- Natural systems restoration or enhancement

The District funds up to thirty-three percent (33%) of the construction costs for selected projects which meet the above mission areas, up to a maximum of \$1,500,000 per applicant. The application process is highly competitive and not all applicants receive funding. Projects are scored – and funds are allocated – from the top ranked application and on down the ranking list until allocated program funds are depleted.

The SJRWMD incentivizes the adoption of local landscape irrigation ordinances by allocating additional points in the cost-share program scoring for applicants which have adopted approved landscaping irrigation ordinances which support the District's watering restrictions. In the highly competitive cost-share program, these additional points may be the difference between a successful and an unsuccessful cost-share application.

If adopted by the City, Ordinance 20-06 would allow for local enforcement of water conservation rules for landscape irrigation consistent with St. Johns River Water Management District Chapter 40C-2, F.A.C., as well as increase the potential for successful applications to the St. Johns River Water Management District's districtwide cost-share program.

DISCUSSION

At the March 2, 2020 City Commission meeting staff presented Ordinance 20-06, based upon the SJRWMD sample ordinance provided on the district's website. Ordinance 20-06 was approved on first reading with discussion on the following issues:

- Homeowner Association (HOA) irrigation schedules
- Exemption for new technologies

The Public Works Director conferred with the SJRWMD on these issues and offers the following:

HOA irrigation schedules – The SJRWMD has no objection to HOAs having a different schedule than the standard schedule, as long as no zone is irrigated more than twice per week during Daylight Savings Time or once per week during Eastern Standard Time. Section 6 of Ordinance 20-06 allows for variances from the specific day of the week limitations. The SJRWMD's position is that this is the appropriate mechanism for HOAs or other entities to adjust their irrigation schedule.

Exemptions for new technologies – Section 4 of the Ordinance 20-06 includes specific language for exemptions associated with approved new technologies (micro-spray, micro-jet, drip or bubblers) to reduce water use. These exempted technologies exactly match what is currently approved by the SJRWMD. Should the city allow exemptions not currently allowed by the SJRWMD, Ordinance 20-06 would fail to mirror SJRWMD rules. If an entity wishes to irrigate in a manner different than that specified in SJRWMD rules, the district offers a permit pathway for approval through SJRWMD Rule 40C-2.

Changes since 1st Reading

Section 9. Penalties – Section 9 was modified as follows:

- Penalty for violations subsequent to issuance of \$50 fine was changed from *"Fine not to exceed \$500"* to *"Any subsequent violations of this Article following the issuance of the fifty dollar (\$50.00) fine shall result in a one hundred dollar (\$100.00) fine for each additional violation."*

ACTION REQUESTED

Hold a public meeting and pass Ordinance 20-06 on second reading.

ORDINANCE NO. 20-06

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING LANDSCAPE IRRIGATION SCHEDULES; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the St. Johns River Water Management District has amended Rule 40C- 2.042, F.A.C., its General Consumptive Use Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.041(1), F.A.C.; and

WHEREAS, Rule 40C-2.042(2)(a), F.A.C., grants a general permit to each person located within the District to use, withdraw or divert water for small landscape irrigation uses, provided that irrigation occurs in accordance with Sections 3 and 5, subject to the exceptions set forth in Section 4; and

WHEREAS, Rule 40C-2.042(2), F.A.C., applies to 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 40C-2.042(2)(b), F.A.C., strongly encourages a local government to adopt an ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the provisions set forth in Rule 40C-2.042(2)(a), F.A.C.; and

WHEREAS, it is the desire of the City Commission of the City of St. Augustine Beach to

adopt such an ordinance in accordance with 40C-2.042(2)(a) and (b), F.A.C.; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA: Chapter 13, Miscellaneous Provisions and Offenses. Article VI, Code of Ordinances, is hereby created to read:

WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION

Section 1. INTENT AND PURPOSE

It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation.

Section 2. DEFINITIONS

For the purpose of this Article, the following terms, phrases, words and their derivatives shall have the meaning given herein. 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.

- (a) "Address" means the house number of a 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. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.
- (b) "District" means the St. Johns River Water Management District.
- (c) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- (d) "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. "Landscape irrigation" does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

- (e) “Residential landscape irrigation” means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.
- (f) “Non-residential landscape irrigation” means the irrigation of landscape not included within the definition of “residential landscape irrigation,” such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

Section 3. LANDSCAPE IRRIGATION SCHEDULES

1. When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - (a) Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (h) Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (c) Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (d) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - (a) Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (b) Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (c) Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (d) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
3. All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

Section 4. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- (a) Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
- (b) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
- (c) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- (d) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- (e) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- (f) Discharge of water from a water-to-air air-conditioning unit or other water- dependent cooling system is not limited.
- (g) The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- (h) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

Section 5. ADDITIONAL REQUIREMENT

Any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture.

Section 6. VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS

A variance from the specific landscape irrigation days or day set forth in Section 3 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days

or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

Section 7. APPLICATION OF ORDINANCE

The provisions of this Ordinance shall apply to each person located within the City of St. Augustine Beach.

Section 8. ENFORCEMENT OFFICIALS

Law enforcement officials and having jurisdiction in the area governed by this Ordinance are hereby authorized to enforce the provisions of this Ordinance. In addition, the *City of St. Augustine Beach City Manager* may also delegate enforcement responsibility for this ordinance to agencies and department of *City of St. Augustine Beach* government.

Section 9. PENALTIES

Violation of any provision of this Ordinance shall be subject to penalties as follows:

- (a) An initial violation of this article shall result in a written warning.
- (b) The first violation of this article after a warning has been issued shall result in a fifty dollar (\$50.00) fine.
- (c) Any subsequent violations of this Article following the issuance of the fifty dollar (\$50.00) fine shall result in a one hundred dollar (\$100.00) fine for each additional violation.

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

Section 10. CODIFICATION

Codification of this Ordinance is hereby directed and authorized.

Section 11. ORDINANCES REPEALED

No existing City ordinances are deemed in conflict with this Ordinance nor repealed.

Section 12. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way

affect the validity of the remaining portions of this Ordinance.

Section 13. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the *City Commission of City of St. Augustine Beach*, Florida this _____ day of _____, 20__.

LOCAL EXECUTION PROVISIONS