



## Cover Memorandum/Staff Report

File #: 22-684

Agenda Date: 6/7/2022

Item #: 8.D.

**TO:** Mayor and Commissioners  
**FROM:** Hassan Hadjimiry, P.E., Utilities Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 7, 2022

ORDINANCE NO. 11-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," BY ENACTING A NEW SECTION 52.07, "LANDSCAPE IRRIGATION," TO IMPLEMENT THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE, ESTABLISH A LANDSCAPE IRRIGATION SCHEDULE AND EXCEPTIONS THERETO, REQUIRE IRRIGATION SYSTEMS TO UTILIZE TECHNOLOGY THAT INHIBITS OR INTERRUPTS WATERING DURING PERIODS OF SUFFICIENT MOISTURE, PROVIDE FOR VARIANCES FROM THE LANDSCAPE IRRIGATION SCHEDULE, AND PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE; AMENDING SECTION 52.99, "PENALTY," TO ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND TO REMOVE CRIMINAL SANCTIONS BUT INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.65 THROUGH 52.70, WHICH PLACE RESTRICTIONS ON WATER USE DURING WATER SHORTAGE EMERGENCIES, AND INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.80 THROUGH 52.85, REQUIRING THE INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

### **Recommended Action:**

Review and consider Ordinance No. 11-22, a City initiated amendment to Chapter 52, "Water," of the Code of Ordinances of the City of Delray Beach, Florida by enacting a new Section 52.07, "Landscape Irrigation," to implement the South Florida Water Management District mandatory year-round irrigation conservation measures and related regulations.

### **Background:**

On February 18, 2020, the South Florida Water Management District (District) notified the City of Delray Beach, (City) of the need to conserve water resources by implementing water conservation measure that would promote efficient water use and decrease water waste. The District has the responsibility and exclusive authority under Chapter 373, Florida Statutes (F.S.) for regulating the consumption use of water, including lawn irrigation. Lawn irrigation can account for more than half of all residential 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 District's Governing Board promulgated Chapter 40E-2, Florida Administrative Code (F.A.C.), which applies to all users, whether by permit or exception. Chapter 40E-2 includes rules regulating landscape irrigation users, requiring year-round irrigation conservation measures, and calls for year-round and permanent landscape irrigation restrictions. Rule 40E-24.301, F.A.C., provides that local

governments may adopt a landscape irrigation ordinance that achieves water conservation consistent with Chapter 40E-2, F.A.C., including variance and enforcement procedures. The District strongly encourages local governments to adopt an ordinance in accordance with Chapter 40E-2 and it is the desire of the City of Delray Beach to adopt such an ordinance.

The Ordinance amends Title 5, "Public Works, "Chapter 52, "Water," of the Code of Ordinance of the City of Delray Beach, Florida, by enacting a new Section 52.07, "Landscape Irrigation."

The Ordinance restricts the use of irrigation systems to 3 days a week, subject to certain exceptions (i.e. watering of new landscaping, for cleaning and/or maintenance of irrigation systems, watering-in fertilizers, etc.). The use of irrigation systems is also prohibited between the hours of 10:00 a.m. and 4:00 p.m. Variances may be granted by the City Manager, or designee, if strict application would lead to an unreasonable or unfair result. The Ordinance also establishes the penalty for any violation of the irrigation restrictions. A first violation is subject to a fine not to exceed \$150; second and subsequent violations are subject to a fine not to exceed \$500. The restrictions on the use of irrigation systems is consistent with Chapter 40E-2, F.A.C., and the proposed penalties are similar to neighboring and/or similarly-sized municipalities.

**City Attorney Review:**

Ordinance No. 11-22 is approved as form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

N/A