

ORDINANCE 25-

AN ORDINANCE AMENDING TITLE VI – PUBLIC UTILITIES, CHAPTER 65, “WATER SYSTEM USER RULES” OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 65.07, “WATER CONSERVATION FOR LANDSCAPE IRRIGATION;” PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 65.07 Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 65.07. - Water Conservation for Landscape Irrigation.

- (a) *Intent and Purpose.* It is the intent and purpose of this Section to implement procedures that promote water conservation through the more efficient use of landscape irrigation.
- (b) *Definitions.* For the purpose of this Section the following terms, phrases, words, and their derivatives shall have the meaning given herein.
 - 1. "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".
 - 2. "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.
 - 3. "~~Consumptive~~ Water Use Permit (~~CUP~~ WUP)" means a permit issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., authorizing the consumptive use of water.
 - 4. "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.
 - 5. "Existing Landscaping" means any landscaping which has been planted and in the ground for more than ninety (90) days.

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6. "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.
7. "Low Volume Hand Watering" means the watering of landscape by one person, with one hose fitted with a self-canceling or automatic shutoff nozzle.
8. "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.
9. "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.
10. "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 micro-spray, and subsurface irrigation.
11. "New Landscaping" means any landscaping which has been planted in the ground for ninety (90) days or less.
12. "Odd Numbered Addresses" means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.
13. "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 in Rule 62-40.210, F.A.C.
14. "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 other public agencies thereof, which directly or indirectly takes 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.

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15. "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 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.

(c) *Year-Round Landscape Irrigation Restrictions.*

1. The City hereby adopts the rules of the South Florida Water Management District, Chapter 40E-24.201(1)-(6), F.A.C., and subsequent additions or corrections thereto, and which are set out as follows:
 - i. It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures presented within this Section, which affect each particular water use.
 - ii. In addition to the specific conservation measures enumerated below, all wasteful and unnecessary water use as defined in Section 65.07(b)15 of this Chapter, is prohibited.
 - iii. The following requirements or exceptions shall apply to all users unless specified otherwise herein:
 - a. Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.
 - b. Irrigation of new landscaping shall comply with the following provisions:
 - (1) 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 dates and times.
 - (2) The ninety (90) day period begins the day the new landscaping is installed. The new landscaping shall be installed with a dated receipt or invoice.
 - (3) 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/or Sunday.
 - (4) 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/or Saturday.
 - (5) 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 fifty percent (50%) new landscaping. If a zone contains less than fifty percent (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

Additions to text are indicated by underline; deletions by ~~strikeout~~.

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paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

c. 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 ten (10) minutes per zone.

d. 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:

(1) 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

(2) Such watering-in shall be accomplished during normally allowable watering days and times set forth in Sections 65.07(c)liii.b and 65.07(c)liii.f of this Chapter, unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

e. 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.

f. Irrigation of existing landscaping shall comply with the following provisions:

(1) 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 as defined in Section 65.07(b)4 of this Chapter shall have the opportunity to accomplish necessary landscape irrigation only on Tuesday, Thursday and Sunday days and times as allowed by Chapter 40E-24.201, F.A.C.

(2) Odd addresses as defined in Section 65.07(b)12 of this Chapter can accomplish necessary landscape irrigation only on Monday, Wednesday and Saturday days and times as allowed by Chapter 40E-24.201, F.A.C.

2. In the absence of a declaration of a water shortage condition or water shortage emergency within all or any part of the City by the Governing Board or Executive Director of the District, the landscape irrigation restrictions contained herein, or other measures adopted for the City or any portion thereof shall be subject to enforcement action pursuant to Section 65.08 of this Chapter.

(d) *Variances.*

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1. **Application.** A request for a variance from Section 65.07 of this Chapter shall be submitted to the Director of the Utility Systems Department. A variance from specific day or days identified in Section 65.07(c) of this Chapter may be granted if strict application of the restrictions would lead to unreasonable or unfair results 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 or those served by the applicant. However, no single zone may be irrigated more than three (3) days per week.
 2. **Appeal.** A decision of the Director of the Utility Systems Department to deny or approve a request for variance may be appealed by an affected party with standing to the City Council within fifteen (15) days of the date of the written decision by the Director of the Utility Systems Department; provided, that written notice of the appeal shall be filed with the City Clerk within that period of time. Appeals shall be decided on the evidence presented by the applicant and the Director of the Utility Systems Department. Any interested person shall have the right to submit oral or written testimony at the hearing. All testimony and exhibits submitted at the hearing, including the application of appeal shall become part of the record of the appeal. Evidence which is immaterial, irrelevant, or unduly repetitious may be excluded. Appeal hearings may be adjourned from time to time to dates established by public announcement at those hearings and shall be the earliest practical date for resumption of the hearings.
 3. **Recognition of District Variances.** The City hereby recognizes any and all variances issued by the South Florida Water Management District.
- (e) *Application of Ordinance.* The provisions of this Ordinance shall apply to each user within the boundaries of the City service area.

Section 2. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 3. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 4. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intent; the word "ordinance" may be changed to "section" or other appropriate word as may be necessary.

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Section 5. Effective Date. This Ordinance shall become effective ten (10) days after final adoption on second reading.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2025.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, City Attorney