

Ordinance 2021-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 86 – UTILITIES, ARTICLE IV – RECLAIMED WATER SYSTEM; AMENDING DIVISION 1 – GENERALLY, SECTIONS 86-99 – 86-125 – RESERVED; RENUMBERING DIVISION 2 – RECLAIMED WATER USE SECTIONS 86-126 THROUGH SECTION 86-146; AND ADOPTING DIVISION 3 – YEAR-ROUND RECLAIMED WATER CONSERVATION MEASURES; PROVIDING FOR SECTION 86-133 – INTENT AND PURPOSE; SECTION 86-134 – DEFINITIONS; SECTION 86-135 – APPLICABILITY; SECTION 86-136 YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES; SECTION 86-137 – EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; SECTION 86-138 – ADDITIONAL REQUIREMENTS; SECTION 86-139 – DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; SECTION 86-140 – ENFORCEMENT; SECTION 86-141 – PENALTIES; SECTIONS 86-142 – 86-146 – RESERVED; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the Southwest Florida Water Management District (District) has the responsibility and exclusive authority under Chapter 373, Florida Statutes (F.S.), as amended, for regulating the consumptive use of water.

WHEREAS, the District promulgated and amended Chapter 40D-22, Florida Administrative Code, (F.A.C.), as amended, requiring year-round irrigation conservation measures.

WHEREAS, Rule 40D-22.201, F.A.C., as amended, provides that local governments may adopt a landscape irrigation ordinance that achieves reclaimed water conservation consistent with Rule 40D-22.201, F.A.C., including variance and enforcement procedures.

WHEREAS, the City Commission recognizes that highly treated reclaimed water from Pinellas County water reclamation facilities is an environmentally beneficial resource.

WHEREAS, use of reclaimed water for irrigation saves potable water which maximizes the goal of saving natural resources.

WHEREAS, potable water is a valuable resource which should be conserved, particularly in coastal communities and in communities which do not have their own potable water resources.

WHEREAS, the City Commission recognizes that one of the most viable and effective potable water conservation alternatives available is reclaimed water.

WHEREAS, the Florida Legislature finds in Section 373.250, Florida Statutes, as amended, that

using reclaimed water that is approved by the department is environmentally acceptable and not a threat to public health and safety.

WHEREAS, the City Commission recognizes that reclaimed water is an alternate water source for irrigation that is exempt from watering restrictions even under drought conditions.

WHEREAS, reclaimed water is provided at a lower cost to consumers than potable water which reduces potable water bills for citizens.

WHEREAS, reclaimed water beautifies communities by enhancing the appearance and landscaping.

WHEREAS, reclaimed water is safe when used as intended.

WHEREAS, the City Commission finds and declares that the adoption of this Ordinance is appropriate, and in the best interest of the community.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2.

Chapter 86, Article IV, Division 1 shall be amended as follows:

Secs. 86-99-86-106. – Reserved.

Chapter 86, Article IV, Division 2 shall be amended as follows:

Sec. 86-107. – Service area.

Sec. 86-108. – Public easement requirements.

Sec. 86-109. – Ownership.

Sec. 86-110. – Minimum size of mains.

Sec. 86-111. – Extension approval.

Sec. 86-112. – Right to refuse service.

Sec. 86-113. – Fire protection.

Sec. 86-114. – Extent of city maintenance.

Sec. 86-115. – Maintenance by customer.

Sec. 86-116. – Common service lines.

Sec. 86-117. – Discontinuing service by city.

Sec. 86-118 – Discontinuing service by customer.

Sec. 86-119. – Service Interruption.

Sec. 86-120. – Application for connection to adjoining reclaimed water distribution main.

Sec. 86-121. – Location of service line.

Sec. 86-122. – Service application prerequisite; customer responsibility.

Sec. 86-123. – Meter requirements.

Sec. 86-124. – Cross connection control.

Sec. 86-125. – Rates and charges

Sec. 86-126. – Billing and other procedures.

Sec. 86-127. – Obligation to remain user for a five-year period.

Sec. 86-128-86-132. Reserved.

Chapter 86, Article IV, Division 3 shall be added as follows:

DIVISION 3. – YEAR-ROUND RECLAIMED WATER CONSERVATION MEASURES.

Sec. 86-133. – Intent and purpose.

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

Sec. 86-134. – Definitions.

Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning listed below. 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.

“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."

"City" means the City of St. Pete Beach.

"District" means the Southwest Florida Water Management District, a government entity created under Chapter 373, F.S.

"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.

"Existing" means any lawn or landscaping, or portion thereof, which has been in existence in the same location for a period of sixty (60) days or more.

"Green Space and Fields" means an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes, which include but are not limited to, parks and fields.

"Landscape" means a section of ground adorned or improved by flowering plants (annual or perennial), vines, shrubs, palms, ferns, ornamental grasses, and groundcover other than Lawn.

"Landscape Irrigation" or "landscape use" means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way.

"Low Volume Irrigation" means the use of Hand Watering, Micro-irrigation or other 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 designed to allow that water to be placed with a high degree of efficiency within the root zone of the plant.

"Micro-irrigation" means any Irrigation device that distributes water near or within the root zone through low flow rate and emitters. Examples of Micro-irrigation devices include drip, line source, microspray, microsprinkler, bubbler and similar types of systems. The term specifically includes propagation mist heads, capillary mats and soaker hoses. The term also includes water use in Mist Houses and similar establishments for plant propagation and production but excludes any form of turf irrigation other than in a sod production ("turf farming") setting.

“New plant material” means any lawn or landscaping, or portion thereof, which has been planted in existence in the same location for less than sixty (60) days.

“Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.

“Overhead Irrigation” means the use of equipment and devices which deliver water under pressure, through the air, above the level of the plant being irrigated.

“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 Section 373.019 (17), Florida Statutes.

“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 public agencies thereof, which directly or indirectly takes water from the water resource, including but not limited to uses from groundwater wells and private or public utility systems

“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; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

“Water Shortage” shall mean as that term is defined in subsection 40D-21.051 (28), F.A.C.

“Water Shortage Emergency” shall mean as that term is defined in subsection 40D-21.501 (29), F.A.C.

Sec. 86-135.-Applicability. The provisions of this Ordinance shall apply to each user, as defined in Sec. 86-134 providing landscape irrigation from all water resources within the boundaries of the City of St. Pete Beach.

Sec. 86-136. -Year-round landscape irrigation conservation measures.

Any violation of the Southwest Florida Water Management District Chapter 40D-22 F.A.C. Year-Round Water Conservation Measures that pertains to usage of reclaimed water shall be a violation of this section. Overhead irrigation of established lawns and landscaping by reclaimed water supplied to a reclaimed water user is further restricted as follows:

- (a) Low volume irrigation of landscaping and lawns shall not be further restricted

except in accordance with Rule 40D-22, F.A.C.

(b) Permitted overhead irrigation of established lawns and landscaping by reclaimed water shall be limited to three days per week as follows:

(1) At addresses ending in 1, 3, 5, 7, 9 (“house numbers”), or a mix of addresses, or for which an address cannot be determined, such as common areas associated with a residential subdivision, on Monday, Wednesday, and Friday;

(2) At addresses ending in the numbers 0, 2, 4, 6, 8 (“house numbers”) on Tuesday, Thursday, and Saturday;

(3) Overhead irrigation is allowed for those addresses in subsection (1) above between the hours of 12:00am to 6:00am and 8:00pm to 11:59pm on permitted days (Monday, Wednesday, and Friday) and is prohibited at all times on Sunday;

(4) Overhead irrigation is allowed for those addresses in subsection (2) above between the hours of 12:00am to 6:00am and 8:00pm to 11:59pm on permitted days (Tuesday, Thursday, and Saturday) and is prohibited at all times on Sunday;

(5) Overhead irrigation of properties at any other time, or any other day, is unlawful and a violation of this section;

(6) Establishment period watering for lawn and landscaping and irrigation for the purpose of watering in fertilizers, insecticides, fungicides, and herbicides is in accordance with 40D-22 F.A.C.

(7) The City Manager, or designee, may suspend implementation of limitations on reclaimed water usage based upon consideration of the following factors:

i. Excess reclaimed water in the storage facilities at the water reclamation facilities; or

ii. Extended period of seasonal rainfall.

Sec. 86-137. -Exceptions to the landscape irrigation schedules.

Landscape irrigation scheduling shall be subject to the following exceptions:

(a) 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 (1) test should not exceed ten (10) minutes per zone.

(b) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the

manufacturer, 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 (1) application, unless the need for more than one (1) 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 Sec. 86-136 (b), unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (3) Any plant material may be watered using low volume irrigation, as defined in Sec. 86-134, micro-irrigation, as defined in Sec. 86-134, low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this Section.

Sec. 86-138.-Additional requirements.

Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, Florida Statutes, as amended. Any irrigation system in use must include a properly installed, maintained, and operating device or system that inhibits or interrupts the operation of the irrigation system during period of sufficient moisture in accordance F.A.C. 40D-22.201, as amended. Examples of such technology includes a rain sensor or soil moisture sensor.

Sec. 86-139.- Declaration of water shortage or water shortage emergency.

Declaration of a water shortage condition and/or water shortage emergency, as defined in Sec. 86-134, within all or parts of the City of St. Pete Beach by the District's Governing Board or Executive Director shall supersede this Ordinance for the duration of the applicable water shortage declaration in accordance with Sec. 86-64, Declaration of water shortage; water shortage emergency. A water shortage usually occurs due to drought.

Sec. 86-140.- Enforcement.

- (a) In the absence of a declaration of water shortage or water shortage emergency within all or any part of the City of St. Pete Beach by the District's Governing Board or Executive Director, the listed landscape irrigation restrictions shall be subject to enforcement action. Any violation of the provisions of Sec. 86-136 and Sec. 86-137 shall be a violation of this Section.
- (b) The City of St. Pete Beach authorizes law enforcement officials having jurisdiction in the area governed by this Ordinance, to enforce the provisions of this Ordinance. In addition, the St. Pete Beach City Manager, or designee, may delegate this Ordinance's enforcement responsibility for this article to city agencies and departments

in accordance with state and local law.

Sec. 86-141.- Penalties.

Violations of this Article are punishable as provided in Sec. 1-14 of the St. Pete Beach Code of Ordinances. More than three violations in any one calendar year may result in reclaimed water service being terminated.

Sec. 86-142-86-146 – Reserved.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING:

July 27 2021

PUBLISHED:

August 11 2021

SECOND READING:

August 24 2021

PUBLIC HEARING:

August 24 2021

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

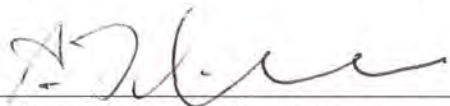


Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 3RD day of SEPTEMBER 2021.


Amber LaRowe, City Clerk GINNY KEETER-BODKIN, DEPUTY CITY CLERK
(SIGNED ON BEHALF OF CITY CLERK)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Andrew Dickman, City Attorney

Ordinance 2021-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 86 – UTILITIES, ARTICLE IV – RECLAIMED WATER SYSTEM; AMENDING DIVISION 1 – GENERALLY, SECTIONS 86-99 – 86-125 – RESERVED; RENUMBERING DIVISION 2 – RECLAIMED WATER USE SECTIONS 86-126 THROUGH SECTION 86-146; AND ADOPTING DIVISION 3 – YEAR-ROUND RECLAIMED WATER CONSERVATION MEASURES; PROVIDING FOR SECTION 86-133 – INTENT AND PURPOSE; SECTION 86-134 – DEFINITIONS; SECTION 86-135 – APPLICABILITY; SECTION 86-136 YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES; SECTION 86-137 – EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; SECTION 86-138 – ADDITIONAL REQUIREMENTS; SECTION 86-139 – DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; SECTION 86-140 – ENFORCEMENT; SECTION 86-141 – PENALTIES; SECTIONS 86-142 – 86-146 – RESERVED; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

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WHEREAS, Rule 40D-22.201, F.A.C., as amended, provides that local governments may adopt a landscape irrigation ordinance that achieves reclaimed water conservation consistent with Rule 40D-22.201, F.A.C., including variance and enforcement procedures.

WHEREAS, the City Commission recognizes that highly treated reclaimed water from Pinellas County water reclamation facilities is an environmentally beneficial resource.

WHEREAS, use of reclaimed water for irrigation saves potable water which maximizes the goal of saving natural resources.

WHEREAS, potable water is a valuable resource which should be conserved, particularly in coastal communities and in communities which do not have their own potable water resources.

WHEREAS, the City Commission recognizes that one of the most viable and effective

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

potable water conservation alternatives available is reclaimed water.

WHEREAS, the Florida Legislature finds in Section 373.250, Florida Statutes, as amended, that using reclaimed water that is approved by the department is environmentally acceptable and not a threat to public health and safety.

WHEREAS, the City Commission recognizes that reclaimed water is an alternate water source for irrigation that is exempt from watering restrictions even under drought conditions.

WHEREAS, reclaimed water is provided at a lower cost to consumers than potable water which reduces potable water bills for citizens.

WHEREAS, reclaimed water beautifies communities by enhancing the appearance and landscaping.

WHEREAS, reclaimed water is safe when used as intended.

WHEREAS, the City Commission finds and declares that the adoption of this Ordinance is appropriate, and in the best interest of the community.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals (“Whereas” clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2.

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Secs. 86-99-86-~~106~~125. – Reserved.

Chapter 86, Article IV, Division 2 shall be amended as follows:

Sec. 86-~~107~~126. – Service area.

Sec. 86-~~108~~127. – Public easement requirements.

Sec. 86-~~109~~128. – Ownership.

Sec. 86-~~110~~129. – Minimum size of mains.

Sec. 86-~~111~~130. – Extension approval.

Sec. 86-~~112~~131. – Right to refuse service.

Sec. 86-~~113~~132. – Fire protection.

Sec. 86-~~114~~133. – Extent of city maintenance.

Sec. 86-~~115~~134. – Maintenance by customer.

Sec. 86-~~116~~135. – Common service lines.

Sec. 86-~~117~~136. – Discontinuing service by city.

Sec. 86-~~118~~137. – Discontinuing service by customer.

Sec. 86-~~119~~138. – Service Interruption.

Sec. 86-~~120~~139. – Application for connection to adjoining reclaimed water distribution main.

Sec. 86-~~121~~140. – Location of service line.

Sec. 86-~~122~~141. – Service application prerequisite; customer responsibility.

Sec. 86-~~123~~142. – Meter requirements.

Sec. 86-~~124~~143. – Cross connection control.

Sec. 86-~~125~~144. – Rates and charges

Sec. 86-~~126~~145. – Billing and other procedures.

Sec. 86-~~127~~146. – Obligation to remain user for a five-year period.

Sec. 86-128-86-132. Reserved.

Chapter 86, Article IV, Division 3 shall be added as follows:

DIVISION 3. – YEAR-ROUND RECLAIMED WATER CONSERVATION MEASURES.

Sec. 86-133. – Intent and purpose.

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

Sec. 86-134. – Definitions.

Definitions. For the purpose of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning listed below. 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.

“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.”

“City” means the City of St. Pete Beach.

“District” means the Southwest Florida Water Management District, a government entity created under Chapter 373, F.S.

“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.

“Existing” means any lawn or landscaping, or portion thereof, which has been in existence in the same location for a period of sixty (60) days or more.

“Green Space and Fields” means an area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes, which include but are not limited to, parks and fields.

“Landscape” means a section of ground adorned or improved by flowering plants (annual or perennial), vines, shrubs, palms, ferns, ornamental grasses, and groundcover other than Lawn.

“Landscape Irrigation” or “landscape use” means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way.

“Low Volume Irrigation” means the use of Hand Watering, Micro-irrigation or other 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 designed to allow that water to be placed with a high degree of efficiency within the root zone of the plant.

“Micro-irrigation” means any Irrigation device that distributes water near or within the root zone through low flow rate and emitters. Examples of Micro-irrigation devices include drip, line source, microspray, microsprinkler, bubbler and similar types of systems. The term specifically includes propagation mist heads, capillary mats and soaker hoses. The term also includes water use in Mist Houses and similar establishments for plant propagation and production but excludes any form of turf irrigation other than in a sod production (“turf farming”) setting.

“New plant material” means any lawn or landscaping, or portion thereof, which has been planted in existence in the same location for less than sixty (60) days.

“Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.

“Overhead Irrigation” means the use of equipment and devices which deliver water under pressure, through the air, above the level of the plant being irrigated.

“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 Section 373.019 (17), Florida Statutes.

“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 public agencies thereof, which directly or indirectly takes water from the water resource, including but not limited to uses from groundwater wells and private or public utility systems

“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; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

“Water Shortage” shall mean as that term is defined in subsection 40D-21.051 (28), F.A.C.

“Water Shortage Emergency” shall mean as that term is defined in subsection 40D-

21.501 (29), F.A.C.

Sec. 86-135. -Applicability. The provisions of this Ordinance shall apply to each user, as defined in Sec. 86-134 (n) providing landscape irrigation from all water resources within the boundaries of the City of St. Pete Beach.

Sec. 86-136. -Year-round landscape irrigation conservation measures.

Any violation of the Southwest Florida Water Management District Chapter 40D-22 F.A.C. Year-Round Water Conservation Measures that pertains to usage of reclaimed water shall be a violation of this section. Overhead irrigation of established lawns and landscaping by reclaimed water supplied to a reclaimed water user is further restricted as follows:

(a) Low volume irrigation of landscaping and lawns shall not be further restricted except in accordance with Rule 40D-22, F.A.C.

(b) Permitted overhead irrigation of established lawns and landscaping by reclaimed water shall be limited to three days per week as follows:

(1) At addresses ending in 1, 3, 5, 7, 9 (“house numbers”), or a mix of addresses, or for which an address cannot be determined, such as common areas associated with a residential subdivision, on Monday, Wednesday, and Friday;

(2) At addresses ending in the numbers 0, 2, 4, 6, 8 (“house numbers”) on Tuesday, Thursday, and Saturday;

(3) Overhead irrigation is allowed for those addresses in subsection (1) above between the hours of 12:00am to 6:00am and 8:00pm to 11:59pm on permitted days (Monday, Wednesday, and Friday) and is prohibited at all times on Sunday;

(4) Overhead irrigation is allowed for those addresses in subsection (2) above between the hours of 12:00am to 6:00am and 8:00pm to 11:59pm on permitted days (Tuesday, Thursday, and Saturday) and is prohibited at all times on Sunday;

(5) Overhead irrigation of properties at any other time, or any other day, is unlawful and a violation of this section;

(6) Establishment period watering for lawn and landscaping and irrigation for the purpose of watering in fertilizers, insecticides, fungicides, and herbicides is in accordance with 40D-22 F.A.C.

(7) The City Manager, or designee, may suspend implementation of

limitations on reclaimed water usage based upon consideration of the following factors:

- i. Excess reclaimed water in the storage facilities at the water reclamation facilities; or
- ii. Extended period of seasonal rainfall.

Sec. 86-137. -Exceptions to the landscape irrigation schedules.

Landscape irrigation scheduling shall be subject to the following exceptions:

(a) 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 (1) test should not exceed ten (10) minutes per zone.

(b) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, 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 (1) application, unless the need for more than one (1) 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 Sec. 86-136 (b), unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(3) Any plant material may be watered using low volume irrigation, as defined in Sec. 86-134 (h), micro-irrigation, as defined in Sec. 86-134 (i), low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this Section.

Sec. 86-138.-Additional requirements.

Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with Section 373.62, Florida Statutes, as amended. Any irrigation system in use must include a properly installed, maintained, and operating device or system that inhibits or interrupts the operation of the irrigation system during period of sufficient moisture in accordance F.A.C. 40D-22.201, as amended. Examples of such technology includes a rain sensor or soil moisture sensor.

Sec. 86-139.- Declaration of water shortage or water shortage emergency.

Declaration of a water shortage condition and/or water shortage emergency, as defined in Sec. 86-134 (q), within all or parts of the City of St. Pete Beach by the District's Governing Board or Executive Director shall supersede this Ordinance for the duration of the applicable water shortage declaration in accordance with Sec. 86-64, Declaration of water shortage; water shortage emergency. A water shortage usually occurs due to drought.

Sec. 86-140.- Enforcement.

(a) In the absence of a declaration of water shortage or water shortage emergency within all or any part of the City of St. Pete Beach by the District's Governing Board or Executive Director, the listed landscape irrigation restrictions shall be subject to enforcement action. Any violation of the provisions of Sec. 86-136 and Sec. 86-137 shall be a violation of this Section.

(b) The City of St. Pete Beach authorizes law enforcement officials having jurisdiction in the area governed by this Ordinance, to enforce the provisions of this Ordinance. In addition, the St. Pete Beach City Manager, or designee, may delegate this Ordinance's enforcement responsibility for this article to city agencies and departments in accordance with state and local law.

Sec. 86-141.- Penalties.

Violations of this Article are punishable as provided in Sec. 1-14 of the St. Pete Beach Code of Ordinances. More than three violations in any one calendar year may result in reclaimed water service being terminated.

Sec. 86-142-86-146 – Reserved.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____

PUBLISHED: _____

SECOND READING: _____

PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Alan Johnson, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2021.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.