

ORDINANCE NO. 2021- _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TAMARAC, FLORIDA, AMENDING CHAPTER 22, ARTICLE VIII OF THE CODE OF ORDINANCES OF THE CITY OF TAMARAC, ENTITLED "WATER CONSERVATION REGULATIONS", SPECIFICALLY AMENDING SECTION 22-303 ENTITLED "YEAR-ROUND PERMANENT LANDSCAPE IRRIGATION MEASURES" TO EXTEND THE SCHEDULE IN WHICH NO WATER USE RESTRICTIONS ARE IN EFFECT TO 7:00 AM TO ENSURE THE SAFETY OF OUR RESIDENTS AND CHILDREN THAT USE THE SIDEWALKS DURING SCHOOL HOURS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Tamarac adopted Ordinance No. O-2001-02, which created Article VIII "Water Conservation Regulations", the provisions of which were codified in Sections 22-300 through 22-309, in Chapter 22 of the City's Code of Ordinances ("Ordinance No. O-2001-02"); and,

WHEREAS, Ordinance O-2001-02 authorized the City to implement certain water conservation measures; and

WHEREAS, to encourage more responsible use of water resources throughout South Florida, the South Florida Water Management District Governing Board adopted the Mandatory Year-Round Landscape Irrigation Conservation Measures (Year-Round Irrigation Rule), Chapter 40E-24, Florida Administrative Code (FAC), in 2010; and

WHEREAS, the rule restricts the times and number of days landscape irrigation is allowed within the District's jurisdiction and follows scientifically sound recommendations for lawn irrigation; and

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WHEREAS, all counties and municipalities within the District are required to update their local irrigation ordinances to be in compliance with the District's Year-Round Irrigation Rule; and

WHEREAS, on August 26, 2020, the City Commission of the City of Tamarac updated its local irrigation ordinance by adopting Ordinance O-2020-009, which amended and restated Chapter 22, Article VIII in its entirety, implementing procedures to protect the water resource of the City and further promote water conservation through the efficient use of landscape irrigation in accordance with South Florida Water Management's District's Mandatory Year-Round Landscape Irrigation Conservation Measures under Chapter 40E-24 Florida Administrative Code; and

WHEREAS, Section 22-303 "Year-Round Permanent Landscape Irrigation Measures" of the updated ordinance places a prohibition on the daily irrigation of property commencing at 10:00 am; and

WHEREAS, lawn sprinklers operating during the early morning hours while children and residents are walking to school or work might present a level of risk and discourage more children and residents from walking and biking to school; and

WHEREAS, the City Commission desires to extend the landscape irrigation daily prohibition from 10:00 am to 7:00 am to encourage more residents and students to use the city's sidewalks; now, therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TAMARAC,
FLORIDA:

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Section 1. Legislative Findings and Intent. The City Commission of the City of Tamarac hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance and the City staff reports relating to this Ordinance as the legislative findings and intents of the City Commission.

Section 2. Chapter 22, Article VIII, Section 22-303 of the Code of Ordinances of the City of Tamarac, entitled “Year-Round Permanent Landscape Irrigation Measures”, shall be amended to read as follows;

Sec. 22-303. Year-Round Permanent Landscape Irrigation Measures.

The following requirements or exceptions shall apply to all users, unless otherwise specified.

- (1) Landscape irrigation shall be prohibited daily between the hours of ~~10~~7:00 a.m. and 4:00 p.m., except as provided below.
- (2) Irrigation of existing landscaping shall comply with the following provisions:
 - a. Even-Numbered Addresses and rights-of-way, or other locations without an address, may accomplish necessary landscape irrigation only on Thursdays, and/or Sundays.
 - b. Odd-Numbered Addresses may accomplish necessary landscape irrigation only on Wednesdays, and/or Saturdays.
- (3) Irrigation of new landscaping shall comply with the following provisions:
 - a. New Landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the listed watering days and times.
 - b. A ninety (90) day establishment period begins on the day new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

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- c. 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.
 - d. 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.
 - e. Irrigation of the new landscaping is limited to areas containing only the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Code 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. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.
- (4) Irrigation systems may be operated outside restricted days and/or times for cleaning, maintenance, and repair 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.
- (5) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides, and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall be allowed under the following conditions:
- a. Such watering-in shall be limited to one (1) application in the absence of specific alternative instructions from the manufacturer; and
 - b. Such watering-in shall be accomplished during normal watering days and times listed above unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (6) Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering methods, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the listed watering days or times.

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- (7) In addition to the specific listed measures, all wasteful and unnecessary water use is prohibited.
- (8) In the event the District imposes restrictions on landscape irrigation for new and existing installations which are more restrictive than those imposed by this Code, such as under the declaration of a water shortage or water shortage emergency, the more restrictive regulations shall apply for the applicable duration of the more restrictive regulations.
- (9) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this Code, which affect each particular water use.

Section 3. CODIFICATION. The provisions of this Ordinance shall be codified and become and be made part of the City of Tamarac Code of Ordinances. The Sections of this Ordinance may be renumbered or relettered to accomplish such intent and the word “Ordinance”, or similar words, may be changed to “Section”, “Article”, or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. IMPLEMENTING ADMINISTRATIVE ACTIONS. The City Manager, or designees, shall have the power and authority to implement the provisions of this Ordinance by taking the appropriate actions to include, but not limited to, the promulgation of appropriate administrative rules and forms.

Section 5. CONFLICTS. To the extent of any conflict between any other City regulations and ordinances and this Ordinance, this Ordinance shall be deemed to control. Provided, however, that this Ordinance is not intended to amend or repeal any existing chapter or regulation, unless expressly set forth in this Ordinance.

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Section 7. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be 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 effect the validity of the remaining portion hereof.

Section 8. **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption.

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PASSED, FIRST READING this _____ day of _____, 2021.

PASSED, SECOND READING this _____ day of _____, 2021

BY: _____
MAYOR MICHELLE J. GOMEZ

RECORD OF COMMISSION VOTE: 1ST Reading

MAYOR GOMEZ	_____
DIST 1: COMM BOLTON	_____
DIST 2: COMM GELIN	_____
DIST 3: VM. VILLALOBOS	_____
DIST 4: COMM. PLACKO	_____

RECORD OF COMMISSION VOTE: 2ND Reading

MAYOR GOMEZ	_____
DIST 1: COMM. BOLTON	_____
DIST 2: COMM. GELIN	_____
DIST 3: VM. VILLALOBOS	_____
DIST 4: COMM. PLACKO	_____

ATTEST:

JENNIFER JOHNSON, CMC
CITY CLERK

I HEREBY CERTIFY that I have approved this
ORDINANCE as to form:

HANS OTTINOT
INTERIM CITY ATTORNEY

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