

40E-24
MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION MEASURES
FOR LEE, COLLIER AND CHARLOTTE COUNTIES

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40E-24.011 Policy and Purpose

(1) This Chapter comprises the South Florida Water Management District's (District) Mandatory Year-Round Landscape Irrigation Measures for the area within Lee, Collier and that portion of Charlotte County within the South Florida Water Management District. These mandatory measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Local governments are encouraged to implement these measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to Chapter 40E-2, F.A.C. provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to a maximum number of three days per week unless specified otherwise herein.

(2) This Chapter applies to all water users unless specified otherwise herein.

(3) This Chapter only applies to landscape irrigation as defined herein. This Chapter does not apply to agricultural irrigation.

Specific authority 373.044, 373.113, 373.171, FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History – New 6-12-03.

40E-24.101 Definitions

When used in this Chapter:

(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, 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 Use Permit (CUP)" means a permit issued pursuant to Chapters 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 no address, or the letters A-M.

(5) "Hand Watering" means the watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.

(6) "Landscape Irrigation" means the delivery of water to shrubbery, trees, lawns, grass, ground covers, plants, vines, ornamental gardens, and such other flora which are planted and established for more than sixty (60) days 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 Rule 40E-24.101(2), F.A.C.),

(7) "Odd Numbered Address" means the address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(8) "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.

(9) "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 uses from private or public utility systems, uses under water use permits issued pursuant to Chapters 40E-2 or 40E-20, F.A.C., or uses from individual wells or pumps.

(10) "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.

Specific authority 373.044, 373.113, 373.171, FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History – New 6-12-03.

40E-24.201 Year-Round Landscape Irrigation Measures

(1) The year-round landscape irrigation measures contained in this Chapter are applicable to all users as defined in Rule 40E-24.101(9), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C unless indicated otherwise herein. These measures apply to all water sources, except that landscape irrigation accomplished using reclaimed water is subject to only subsection (5) (a) of this section. In addition to the requirements of this section, all permitted users under Chapter 40E-2, F.A.C. are required to maintain compliance with all CUP conditions and terms, including those designed to require the implementation of water conservation practices.

(2) Any restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related Board or Executive Director orders which are more restrictive than a measure contained within this Chapter, shall supersede this rule for the duration of the applicable water shortage declaration.

(3) It shall be the duty of each water user to keep informed as to the landscape irrigation measures presented within this Chapter, which affect each particular water use.

(4) In addition to the specific measures enumerated below, all wasteful and unnecessary water use as defined in Rule 40E-24.101(10), F.A.C., is prohibited.

(5) 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) Even addresses as defined in Rule 40E-24.101(4), F.A.C., may accomplish necessary landscape irrigation only on Tuesday, and/or Thursday and/or Sunday.

(c) Odd addresses as defined in Rule 40E-24.101(7), F.A.C., and rights-of-way or other locations without an address may accomplish necessary landscape irrigation only on Monday, and/or Wednesday and/or Saturday.

(d) Landscape irrigation systems may be operated during restricted days and/or times for cleaning and maintenance 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 10 minutes.

(e) Landscape irrigation for the purpose of watering in insecticides, 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:

1. Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and

2. Such watering-in shall be accomplished during normally allowable watering days and times unless a professional licensed applicator has posted a temporary pesticide sign containing the date of application and the date(s) of needed watering-in activity.

(f) Any plant material may be watered using low-volume hand watering methods without regard to the watering days or times allowed pursuant to this section. Specific authority 373.044, 373.113, 373.171, FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History – New 6-12-03.

40E-24.301 Local Government Option

(1) Local governments that wish to enforce alternative landscape irrigation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation and which allow no more cumulative time for landscape irrigation than section 40E-201(5). Such ordinance shall provide for variance procedures that do not diminish the effectiveness of the measures.

(2) In order to evaluate the effectiveness of the alternative measures, such local governments shall provide an annual report to the District which includes any variances granted or denied, enforcement actions taken and any measures proposed to be amended in the next reporting period. The first report shall be submitted no later than September 30, 2004.

(3) Users within the jurisdiction or customers of such local governments shall comply with the alternative measures contained within the ordinance implementing that program and are not subject to the measures contained in section 40E-24.201(5). Specific authority 373.044, 373.113, 373.171, FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History – New 6-12-03.

40E-24.401 Enforcement

(1) As required by Section 373.609, F.S., each county and city commission, state and county attorney, sheriff, police officer and other appropriate local government official in the region covered by this Chapter which is not implementing alternative measures pursuant to a local government ordinance, shall respond to address-specific or location-specific violations of this Chapter upon request from the District.

(2) Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system or as provided in section 40E-24.301 above.

(3) In enforcing the provisions of this Chapter the District will utilize any of the enforcement remedies available pursuant to Chapters 120 or 373, F.S., or applicable District rule. The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7) and 120.69, F.S., to enforce the provisions of this Chapter.

Specific authority 373.044, 373.113, 373.171, FS. Law Implemented 373.119, 373.171, 373.175, 373.246 and 373.603, FS. History – New 6-12-03.