

Sec. 32-8.2. - Permanent landscape irrigation restrictions.

(a) *Intent and purpose.* To protect the water resources of Miami-Dade County, Florida from the harmful effects of over utilization, increase water use efficiency and prevent and curtail wasteful water use practices by providing mandatory year-round landscape irrigation conservation measures and prohibiting the operation of irrigation systems in a manner causing water to be wasted.

(b) *Definitions.* In constructing the provisions of this section, the following definitions shall apply:

(1) *Address* shall mean 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* shall mean all golf course fairways, tees, roughs and greens and other athletic play surfaces; including, football, baseball, soccer, polo, tennis and lawn bowling fields, rodeo, equestrian and livestock arenas.

(3) *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.

(4) *Existing Landscape* shall mean any landscaping where a period of 90 days has lapsed from the date of purchase.

(5) *Irrigation* shall mean the application of water by means other than natural precipitation.

(6) *Irrigation systems* shall mean equipment and devices which deliver water to the landscape being irrigated including, but not limited to, pumping stations, controls, main and submain pipelines, lateral pipelines, emitters, valves, fittings and safety devices.

(7) *Landscape* shall mean all residential, commercial, institutional, industrial or governmental areas which are ornamentally planted including, but not limited to, turf, ground covers, flowers, shrubs, trees, sand, mulch, hedges and similar plant materials, lawns, sod, grass and such other flora, not intended for resale, which are situated in locations including, but not limited to, residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas and public gardens as defined herein.

(8) *Low-Volume Hand Watering* shall mean the watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.

(9) *Low-Volume Irrigation* shall mean 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.

(10) *Landscape Irrigation* shall mean 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 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 and public gardens as defined herein.

(11) *Micro-Irrigation* shall mean the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or techniques such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

(12) *New Landscaping* shall mean any landscaping where the period of time from the date of purchase is ninety (90) days or less.

(13) *Odd-Numbered Address* shall mean an address ending in the numbers 1, 3, 5, 7, 9, or the letters N—Z.

(14) *Public Gardens* shall mean botanical gardens and zoological parks and any planned outdoor space where landscaping is cared for and exhibited and the facility is open to the public at least six (6) months during a twelve-month period.

(15) *Reclaimed Water* shall mean wastewater as defined in Rule 62-40.210, F.A.C.

(16) *User* shall mean 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 users of private or public utility systems, individual wells or pumps.

(17) *Wasteful and Unnecessary* shall mean 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.

(18) *Water resource* shall mean water on or beneath the surface of the ground including, but not limited to, natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

(c) *Application of section.* The provisions of this section shall apply to all users of any water resource within Miami-Dade County, whether from publicly or privately owned water utility systems, private wells, or private connections with surface water bodies. The provisions of this section shall not apply to athletic play areas and public gardens as defined herein and users under water use permits issued pursuant to Chapter 40E-2 and 40E-20, F.A.C.

(d) *Permanent landscape irrigation restrictions:*

(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) The following requirements shall apply to all users unless specified otherwise herein:

(1) Irrigation of existing landscaping shall comply with the following:

(a) It shall be unlawful for any user to irrigate or to cause, let, permit, allow or suffer the irrigation of any residential, commercial, institutional, governmental or industrial landscape areas between the hours of 10:00 a.m. and 4:00 p.m.

daily except as otherwise provided herein.

(b) It shall be unlawful for any user to operate or cause, let, permit, allow or suffer the operation of any irrigation system or device in a wasteful and unnecessary manner including, but not limited to, watering paved areas, sidewalks, driveways, and parking lots.

(c) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, including multifamily units and homeowners' associations, and rights-of-way or other locations with no address, as defined in this section shall only conduct necessary landscaping irrigation on Thursday or Sunday or both Thursday and Sunday.

(d) Odd addresses as defined in this section shall only conduct necessary landscape irrigation on Wednesday or Saturday or both Wednesday and Saturday.

(2) Users irrigating new landscaping shall comply with the following:

(a) Irrigation of new landscaping shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m. daily, except as otherwise provided herein.

(b) 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 days and times.

(c) Irrigation of new landscaping which has been purchased for ninety (90) days or less may be conducted on any day except Friday.

(d) The date of purchase of new landscaping may be demonstrated with a dated receipt or invoice.

(e) Irrigation of 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 (50) percent new landscaping. If a zone contains less than fifty (50) percent 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 paragraph. Targeted watering may be accomplished by low-volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

(3) Landscape irrigation systems may be operated during restricted days and 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.

(4) 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 by Florida Green Industries Best Management Practices for Protection of Florida Water Resources Manual, shall be allowed under the following conditions:

(a) 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

(b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in paragraphs (d)(ii)(1)(c) and (d)(ii)(1)(d) unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

(5) Any landscaping may be irrigated using low volume irrigation, micro-irrigation, low-volume hand watering methods including but not limited to the use of a hose with a self-canceling or closing nozzle, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this section.

(6) Any landscaping may be irrigated with reclaimed water in accordance with federal, State and local water reuse quality standards, or the use of saltwater without regard to the watering days or times allowed pursuant to this section.

(7) Irrigation of new lawns and landscaping shall be allowed between 11:00 a.m. and 12:01 p.m. daily for a period of thirty (30) days or until the lawn or landscaping is considered established, whichever period is shorter.

(e) *Enforcement.* Every police officer or sheriff having jurisdiction in the area governed by this section shall, in connection with all other duties imposed by law, diligently enforce the provisions of this section. Officers may provide violators with no more than one (1) written warning. This section shall also be enforceable in accordance with the provisions of Chapter 8CC of this code. The County may take any appropriate legal action, including but not limited to emergency prohibitory and mandatory injunctive action to enforce the provisions of this section.

(f) *Penalties.* Violations of any provision of this section shall be subject to the following penalties:

First violation: Seventy-five dollar (\$75.00) fine.

Second and subsequent violations: Fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in the County jail not to exceed sixty (60) days.

Each day in violation of this section shall constitute a separate offense.

(Ord. No. 91-18, § 3, 2-19-91; Ord. No. 91-78, § 1, 7-9-91; Ord. No. 09-25, § 1, 4-7-09)

Secs. 32-9, 32-10. - Reserved.