

Sec. 25-32. - Water conservation.

The Town of Davie will practice year round water conservation.

(1) *Water rates.* The following block rates will be in effect for all residential customers:

Normal Water Consumption Usage Conservation Blocks	Gallons per month	Tiered Rate Structure/Surcharge
Residential—Single Family and Irrigation		
Block 1	0—5,000	0%
Block 2	5,001—10,000	10%
Block 3	10,001—20,000	20%
Block 4	20,001—30,000	30%
Block 5	30,001—50,000	40%
Block 6	Over 50,000	50%

Normal Water Consumption Usage Conservation Blocks	Gallons per month	Tiered Rate Structure/Surcharge
Residential—Multi-Unit		
Block 1	0—4,000	0%
Block 2	4,001—8,000	10%
Block 3	8,001—16,000	20%
Block 4	16,001—24,000	30%
Block 5	24,001—40,000	40%
Block 6	Over 40,000	50%

Multi-unit residential accounts and mobile home parks which are master metered will have individual residential unit water consumption calculated by dividing the total flow by the number of units for any and all surcharge calculations including water shortage surcharges.

Normal Water Consumption Usage Conservation Blocks	Gallons per month	Tiered Rate Structure/Surcharge
Residential—Mobile Home		
Block 1	0—3,000	0%
Block 2	3,001—6,000	10%
Block 3	6,001—12,000	20%
Block 4	12,001—18,000	30%
Block 5	18,001—30,000	40%
Block 6	Over 30,000	50%

For all other accounts, including but not limited to non-residential, commercial, institutional, and user agreements, the following surcharges are in place on all water consumption.

The following block rates will be in effect for all residential customers when South Florida Water Management District declares a water shortage and mandates water restrictions:

Water Shortage Phase	Water Restriction Surcharge Percentage
Phase I	15%
Phase II	30%
Phase III	45%
Phase IV	60%

- (2) *Violations.* A violation of any of the provisions of this section shall result in the general penalties set forth in Section 1-9 of the Town Code or as otherwise provided by law. In accordance with the year-round landscape irrigation measures and any Declaration of Water Shortage and implementation of restrictions by the South Florida Water Management District, including but not limited to, Chapters 40E-21 and 40E-24, Fla. Admin. Code, and such revisions promulgated hereafter and the enforcement thereof, the same shall be adopted by reference hereto and said enforcement shall be undertaken by the Town as deemed appropriate in compliance therewith.
- (3) *Definitions.* For the purpose of this article, the following terms, phrases, words, and their derivatives shall have the meanings given herein. 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. The word "shall" is always mandatory and not merely directory.
- a. *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."
  - b. *Athletic play area* means all golf course fairways, tees, and greens, and other athletic play surfaces, including football fields, baseball fields, soccer fields, polo grounds, tennis courts, lawn bowling fields, rodeo areas, equestrian facilities, and livestock arenas.
  - c. *Code enforcement officer* means Town of Davie Code Enforcement Officer, or Town of Davie Police Officer, or Broward County Deputy Sheriff.
  - d. *District* means the South Florida Water Management District.
  - e. *Even-numbered address* means an address ending in the numbers 0, 2, 4, 6, 8, or no address, or the letters A—M.
  - f. *Hand watering* means the watering of landscape, car or boat washing by one person with a single fitted with a self-canceling or automatic shut-off nozzle.
  - g. *Existing landscaping* means any landscaping which has been planted and in the ground for more than ninety (90) days.
  - h. *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 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(s), Florida Administrative Code.
  - i. *New landscaping* means any landscaping which has been planted and in the ground for ninety (90) days or less.
  - j. *Odd-numbered address* means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N—Z.
  - k. *Person* means any person, firm, partnership, association, corporation, company, or organization of any kind.
  - l. *Reclaimed water* means wastewater that has received at least secondary treatment and a basic disinfection and is reused after flowing out of a wastewater treatment facility.
  - m. *Restaurant* means a building or room, including, but not limited to, hotel dining rooms and night clubs which are open to the general public and where food is prepared and served for pay for consumption on the premises.

- n. *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, and uses from individual wells or pumps.
  - o. *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 pavements, sidewalks, and other impervious surfaces or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.
  - p. *Water resource* means any and all water on or beneath the surface of the ground including natural or artificial water courses/bodies, lakes, ponds or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.
  - q. *Water shortage* means that situation when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.
  - r. *Water shortage emergency* means that situation when the powers which can be exercised under Parts I and II of Chapter 373, Florida Statutes, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable uses.
- (4) *Applicability.* The provisions of this article shall apply to all persons using water resources within the Town of Davie, whether from public or privately owned water utility systems, private wells or private connections with surface water bodies.
- (5) *Year-round landscape irrigation measures.* Year-round landscape irrigation measures shall be applicable to all users as defined in subsection (3)n. of this section. These conservation measures apply to all water sources, except that the use of reclaimed water, which may or may not be supplemented from another source, is allowed anytime.
- a. The following requirements or exceptions shall apply to all users unless specified otherwise herein:
    - 1. Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as provided herein.
    - 2. Irrigation of existing landscaping shall comply with the following provisions:
      - (i) Even-numbered addresses, as defined in subsection (3)e. of this section, and rights-of-way or other locations without an address, may accomplish necessary landscape irrigation only on Thursday and/or Sunday.
      - (ii) Odd-numbered addresses, as defined in subsection (3)j. of this section, may accomplish necessary landscape irrigation only on Wednesday and/or Saturday.
    - 3. Irrigation of new landscaping shall comply with the following provisions:
      - (i) 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.
      - (ii) The ninety-day period begins the day the 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.

- (iii) 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.
  - (iv) 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.
  - (v) 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 landscaping 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.
- 4. Irrigation systems may be operated outside restricted days and/or times for the purpose of system repair and maintenance, 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.
- 5. 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:
  - (i) Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and
  - (ii) Such watering-in shall be accomplished during normal 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.
- 6. Any plant material may be watered using low-volume hand watering methods without regard to the water days or times allowed pursuant to this section.
  - b. In addition to the specific measures enumerated above, all wasteful and unnecessary water use as defined in subsection (3)o. is prohibited.
  - c. In the event the District imposes restrictions on landscape irrigation for new and existing installations which are more restrictive than those imposed by this section, the more restrictive regulations shall apply.
  - d. All other uses of the water resource as defined in this article, including, but not limited to, agricultural, nursery, and golf course uses, shall be restricted pursuant to the rules, orders, and regulations issued from time to time by the District.
- (6) Serving of water by restaurants during water shortage restrictions.
  - a. While water shortage restrictions, as declared by the District, are in effect for the Town of Davie, no person shall cause, permit or allow the serving of water from any public or private well, water supply or distribution system to any customer of a restaurant unless specifically requested by such customer.
  - b. This restriction shall remain in effect as long as water shortage restrictions, as declared by the District, remain in effect.

(Ord. No. 98-28, § 1, 7-1-98; Ord. No. 2007-010, § 1, 6-6-07; Ord. No. 2008-5, § 1, 2-6-08; Ord. No. 2008-016, § 1, 4-16-08; Ord. No. 2009-12, § 1, 5-20-09; Ord. No. 2010-018, § 2, 9-7-10)