

ORDINANCE NO. 36-91

AN ORDINANCE OF THE TOWN OF JUPITER,  
FLORIDA PERTAINING TO WATER SERVICE;  
AMENDING CHAPTER 25 OF THE CODE OF  
ORDINANCES BY CREATING NEW ARTICLE III  
THEREOF, ENTITLED THE TOWN OF JUPITER  
WATER AND IRRIGATION CONSERVATION PROGRAM;  
PROVIDING FOR A SHORT TITLE; AUTHORITY;  
APPLICABILITY; PURPOSE; DEFINITION;  
RESTRICTIONS; EXEMPTIONS; ENFORCEMENT;  
PENALTIES; ALL WATER USERS TO ACCEPT  
PROVISION OF THIS ARTICLE; SEVERABILITY;  
INCLUSION IN THE JUPITER CODE OF ORDINANCES;  
AND AN EFFECTIVE DATE.

WHEREAS, South Florida Water Management District  
has adopted a "Water Shortage Plan", codified as Chapter 40E-21,  
Florida Administrative Code, for the conservation and distribution  
of water resources during times of shortage, and,

WHEREAS, it is the desire of the Town Council of  
the Town of Jupiter, to provide the South Florida Water Management  
District with all possible assistance in the enforcement of the  
provisions of the "Water Shortage Plan", and,

WHEREAS, it is the intent and policy of the Jupiter  
Town Council to ensure the continued health, safety, welfare, and  
quality of life for the residents of and visitors to the Town of  
Jupiter and,

WHEREAS, the Town of Jupiter finds that it is in  
the best interest of its citizens of the Town of Jupiter to enact  
new and additional regulations imposing permanent restriction on  
landscaping irrigation; NOW THEREFORE,

BE IT ORDAINED BY THE TOWN COUNCIL OF  
THE TOWN OF JUPITER, FLORIDA: THAT  
ARTICLE III

Section 1. SHORT TITLE; APPLICABILITY; AUTHORITY

1.01 This Article shall be known as the "Town of Jupiter Water System and Irrigation Conservation Program."

1.02 All provisions of this Article shall be effective and enforceable within the incorporated area of Town of Jupiter, Florida, and shall set restrictions, constraints and prohibitions to enhance the Town of Jupiter's water resources and provide a permanent water conservation measure. Unless otherwise provided, nothing in this Ordinance shall be construed to relieve any person from compliance with any applicable regulations enacted by any agency of the State of Florida having jurisdiction over water resources in the Town of Jupiter.

1.03 Users outside town limits to accept Regulations. No water service will be furnished to any person, partnership, corporation or governmental agency, or to any business or residential location, whether within or without the town limits, unless such customer agrees to accept and abide by all of the regulations set forth in this article and with all of the reasonable rules, regulations, and procedures for water service not inconsistent herewith which are promulgated by the town manager. The acceptance of water service from the town shall be in itself the acceptance of the provisions hereof.

1.04 This article is adopted under the authority of Chapter 166, Florida Statutes.

Section 2. PURPOSE

2.01 The purpose of this article is to establish a regulatory framework and guidance document which will help ensure that water and landscape irrigation conservation will be consistent throughout the Town of Jupiter.

Section 3. DEFINITIONS

3.01 The following definitions shall apply within this article.

(a) "Water Resource" means any and all water on or beneath surface of the ground, including natural or artificial water courses, lakes, ponds or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

(b) Impervious. Land surfaces which do not allow the penetration of water including paved roads, sidewalks, driveway, parking lots and highly compacted areas including shell and clay.

(c) Micro-Irrigation System. A Micro-irrigation system is a low volume irrigation system using that type of equipment or irrigation devices designed to provide small quantities of water on or below the soil surface as drops or tiny streams of spray through emitters or applications placed along a water delivery line. Micro-irrigation includes all applicable methods or concepts such as bubbler, drip, trickler, mist, or microspray, and subsurface irrigation.

(d) Person. Includes any natural person, individual, public or private corporation, firm, association, joint venture,

partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

Section 4.            RESTRICTIONS

4.01     Irrigation of any residential, commercial, institutional, governmental or industrial landscape areas shall be restricted to the hours of 5:00 P.M. to 9:00 A.M. daily.

4.02     The Town reserves the right to designate specific days of the week for which no irrigation shall be permitted.

4.03     It shall be unlawful to operate or cause the operation of any irrigation system or device in a manner causing water to be wasted, including but not limited to any unnecessary watering and any watering of impervious areas.

4.04     Upon the effective date of this article new installations of automatic irrigation systems, which provide coverage of greater than one acre of irrigated area shall be equipped with a water sensing device which will automatically discontinue irrigation during periods of rainfall.

Section 5.            EXEMPTIONS

The following activities shall be exempt from the provisions of the Ordinance:

5.01     Landscape irrigation by hand watering using a self canceling nozzle or by means of a micro-irrigation or low-volume irrigation system.

5.02     Landscape irrigation by systems which use treated wastewater effluent.

5.03 The operation of irrigation systems for the purpose of testing, repair and maintenance.

5.04 Flushing of water mains required for normal water main clearance and maintenance and for maintenance of water quality; however, where practical, contractors and utilities shall direct flushed water into pervious areas, flush at the minimum rate necessary for cleaning and disperse the water in such a manner to benefit local vegetation.

5.05 Landscape irrigation for purposes of watering in fungicides, insecticides and herbicides as required by the manufacturer or by federal or state laws; however, this exemption applies only to licensed pest control operators and commercial and business operators who normally perform such activities as part of their irrigation routines and shall be limited to manufacturer's recommendations.

Section 6. ENFORCEMENT

6.01 Every law enforcement officer having jurisdiction in the area governed by this article shall, in connection with all other duties impose by law, diligently enforce the provisions hereof. In addition, the Town Manager may also delegate enforcement responsibility for this article to agencies and the departments of the Town of Jupiter, within the service areas of the Town of Jupiter Water System, in accordance with state and local law.

Section 7. PENALTIES WITHIN THE TOWN OF JUPITER

7.01 Any person who violates any provision of this article within the Town of Jupiter shall be subject to the following penalties:

First Violation	\$25.00
Second and subsequent violations	Fine not to exceed \$500 and/or imprisonment in the County Jail not to exceed 60 days.

Each day in violation of this article shall constitute a separate offense. In the initial stages of a Water Shortage or Water Shortage Emergency, law enforcement officials may provide violators with no more than one written warning. The Town of Jupiter in addition to the criminal sanctions contained herein, may take any emergency injunctive action, to enforce the provisions of this article.

Section 8. ALL WATER USERS TO ACCEPT PROVISION OF THIS ARTICLE

8.01 No water service shall be furnished to any person by the Town of Jupiter Water System, whether within or outside the Town limits, unless such person agrees to accept all the provisions of this article. The acceptance of water service shall be in itself the acceptance of the provisions hereof.

Section 9. SEVERABILITY

9.01 If any section, sentence, clause or phrase of the article is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions hereof.

Section 10. CODIFICATION

10.01 It is the intention of the Jupiter Town Council that the provisions of this article become and be made a part of

the Code of Ordinances of the Town of Jupiter and that the section of this article may be renumbered or relettered and the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 11.                    EFFECTIVE DATE

11.01 This Ordinance shall take effect immediately upon adoption.

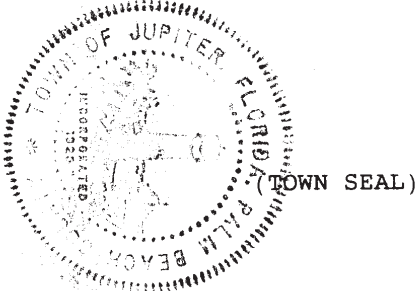
Upon first reading this 15<sup>th</sup> day of October, 1991, the foregoing Ordinance was offered by Councilor Thomas J. McCarthy, who moved its adoption. The motion was seconded by Councilor Dominic P. Sims, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR BARBARA P. HENDERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCILOR THOMAS J. MCCARTHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCILOR DOMINIC P. SIMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCILOR CAROL DEEGAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Upon second reading this 5<sup>th</sup> day of November, 1991, the foregoing Ordinance was offered by Councilor Thomas J. McCarthy, who moved its adoption. The motion was seconded by Councilor Dominic P. Sims, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR KAREN J. GOLONKA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR BARBARA P. HENDERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCILOR THOMAS J. MCCARTHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCILOR DOMINIC P. SIMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COUNCILOR CAROL DEEGAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared the foregoing Ordinance duly passed and adopted this 5<sup>th</sup> day of November, 1991.



ATTEST:

Sally M. Bolan  
SALLY M. BOLAN  
TOWN CLERK

TOWN OF JUPITER, FLORIDA

BY: Karen J. Golonka  
KAREN J. GOLONKA  
MAYOR