

ORDINANCE NO. 2009-2-10

AN ORDINANCE OF THE CITY OF PLANO AMENDING ORDINANCE 2008-12-4, CURRENTLY CODIFIED AS CHAPTER SIX, ARTICLE XIII, IRRIGATION SYSTEMS, TO AMEND THE REGULATIONS, INCLUDING LISTED AND APPROVED DEVICES, A CORRECT FILING DATE OF REPORTS AND REQUIREMENT OF FREEZE SENSORS FOR INSTALLATION ON IRRIGATION SYSTEMS WITHIN THE CITY LIMITS OF THE CITY; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City council of the City of Plano has determined that water conservation and environmental protection are important issues and concerns affecting the city; and,

WHEREAS, properly-installed systems will conserve water, help avoid wasteful use, and improve the overall quality of life for the citizens of Plano; and

WHEREAS, the City Council of the City of Plano approved and adopted Ordinance No. 2008-12-4 as the Irrigation System Code of the City of Plano on December 8, 2008; and

WHEREAS, certain definitions and processes which were set out in the Irrigation System Code Ordinance No. 2008-12-4 adopted on December 8, 2008, should be amended to remain consistent with the corresponding requirements of the City's "Cross Connection Control Program." and

WHEREAS, the City Council further finds that certain amendments must be incorporated to Ordinance No. 2008-12-4 which will allow the City to operate its irrigation systems more efficiently and effectively; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the City's water supply and provides an enhanced quality of life for the citizens of the City of Plano and;

WHEREAS, upon full review and consideration of all matter attendant and related thereto, the City Council is of the opinion that these changes are necessary to provide for effective administration and enforcement of standards.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:**

**Section I.** The City Council hereby amends Ordinance No 2008-12-4, codified as Chapter 6, Article XIII, Irrigation Systems, Section 6-564 (a) and (g), and Section 6-568 (j) as follows;

**Sec. 6-564 Backflow Prevention Methods and Devices**

(a) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Commission. The backflow prevention assembly must be approved by a laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies and the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. The backflow prevention assembly must be installed in accordance with the laboratory approval standards.

(g) The irrigator shall ensure the backflow prevention device is tested prior to being placed into service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten calendar days of testing of the backflow prevention assembly.

**Sec. 6-568 Design and Installation: Minimum Requirements**

(j) Rain, moisture, and freeze shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture, rainfall, and freezing temperatures. Rain, moisture, and freeze shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture, rainfall, and freezing temperatures

**Section II.** All provisions of the Code of Ordinances of the City of Plano in conflict with the provision of this Ordinance are hereby repealed, and all other provision of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

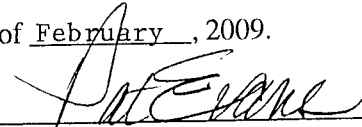
**Section III.** It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section IV.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

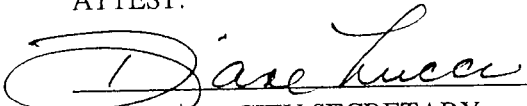
**Section V.** Any person, firm or corporation found to be violating any term or provision of this Ordinance, shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinance for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective from and after its passage and publication as required by law.


DULY PASSED AND APPROVED on this, the 17<sup>th</sup> day of February, 2009.

  
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Pat Evans, MAYOR

ATTEST:

  
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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

  
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Diane C. Wetherbee, CITY ATTORNEY