Ordinance No. 06-109

An ordinance amending the "Water and Sewer" Chapter of the Code of the City of Arlington, Texas, 1987, by the amendment of Article IV, Regulations and Restrictions on Service, Section 4.27, Lawn and Landscape Irrigation Conservation, relative to lawn and landscape irrigation conservation; providing for a fine of up to $500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the **"Water and Sewer"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IV, Regulations and Restrictions on Service, **Section 4.27**, Lawn and Landscape Irrigation Conservation, so that said section shall be and read as follows:

Section 4.27 Lawn and Landscape Irrigation Conservation

A. Except for hand watering and the use of soaker hoses, it shall be unlawful for any person to irrigate, water, or cause or permit the irrigation or watering of any lawn or landscape located on premises owned, leased, or managed by that person between the hours of 10:00 a.m. and 6:00 p.m.

B. It is an affirmative defense to prosecution that the irrigation or watering of any lawn or landscape during the prohibited time was done for the purpose of establishing hydromulch, grass sod, grass seed; dust control for sport fields; or for the maintenance, repair, or testing of an irrigation system.

C. Irrigation System Rain and Freeze Sensors.

1. Any irrigation system installed within the City on or after January 1, 2007, must be equipped with rain and freeze sensors in number and type established and published by the Director of Utilities.

2. Any irrigation system installed before January 1, 2007, may not be operated after March 4, 2007 without being equipped with rain and freeze sensors in number and type established and published by the Director of Utilities. This requirement does not apply to a single family residential or

duplex property, or an individually metered townhome or condominium unit.

3. It shall be unlawful for any person to knowingly or recklessly commit any of the following on premises owned, leased, or managed by that person:

   a. install, or cause or permit the installation of, an irrigation system in violation of Subsection (C)(1);

   b. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection (C)(1); or

   c. operate, or cause or permit the operation of, an irrigation system that does not comply with Subsection (C)(2).

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars ($500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 14th day of November, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of November, 2006, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY