

ORDINANCE B-768-07

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 82, "UTILITIES", ARTICLE I, SECTION'S 82-7 THROUGH 82-14 PREVIOUSLY RESERVED, NOW TO BE "LAWN AND LANDSCAPE IRRIGATION CONSERVATION" OF THE CODE OF THE CITY OF BURLESON. PROVIDING FOR A SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY.

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

ARTICLE I. LAWN AND LANDSCAPE IRRIGATION CONSERVATION

SECTION 82-7. Lawn and Landscape Irrigation Restrictions

- (a) Except for hand watering and the use of soaker hoses, a person commits an offense if that person irrigates, waters, or causes or permits 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. at any time of any year.
- (b) A person commits an offense if he knowingly or recklessly irrigates, waters, or causes or permits the irrigation or water of a lawn or landscape located on premises owned, leased or managed by the person in a manner that causes:
 - (1) a substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or
 - (2) an irrigation system or other lawn or landscape watering device to operate during any form of precipitation.
- (c) A person commits an offense if, on premises owned, leased, or managed by that person, he operates a lawn or landscape irrigation system or device that:
 - (1) has any broken or missing sprinkler head; or
 - (2) has not been properly maintained in a manner that prevents the waste of water.

SECTION 82-8. Rain Sensing Devices and Freeze Gauges

- (a) Any commercial or industrial customer class irrigation system installed within the City on or after June 1, 2007 must be equipped with rain and freeze sensors.

- (b) Any commercial or industrial customer class irrigation system installed before June 1, 2007 may not be operated after January 1, 2008 without being equipped with rain and freeze sensors.
- (c) The potable water supply to lawn irrigation system shall be protected against backflow in accordance with the City's Backflow and Cross-Connection Control Program, City Code Sections 82-221 through 82-259. All rain and freeze sensors for commercial customer class lawn irrigation systems shall under go annual inspection and testing concurrent with schedules associated with the requirements of Section 82-233.
- (d) Any residential customer class irrigation system installed within the City on or after September 1, 2007 must be equipped with rain and freeze sensors.
- (e) It shall be unlawful for any person to knowingly or recklessly install, operate, or cause or permit the installation of or the operation of, an irrigation system in violation of subsections 82-8(a) through (d) on premises owned, leased, or managed by that person.

SECTION 82-9. Variances

- (a) The Director or his/her appointed designee may grant variances from the provisions of this Article I to persons demonstrating extreme hardship an need as determined by the Director or his/her appointed designee and only under the following conditions:
 - (1) The applicant must sign a compliance agreement on forms provided by the Director or his/her appointed designee, agreeing to irrigate or water a lawn or landscape only in the amount and manner permitted by the variance.
 - (2) Granting of a variance must not cause an immediate significant reduction in the City's water supply.
 - (3) The extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person requesting it.
 - (4) The health, safety or welfare of other persons must not be adversely affected by granting the variance.

(b) The Director or his/her appointed designee may revoke a variance granted when the Director or his/her appointed designee determines that:

- (1) the conditions of subsection (a) are not being met or are no longer applicable;
- (2) the terms of the compliance agreement are being violated; or
- (3) the health, safety or welfare of other persons requires revocation.

SECTION 82-10. SEVERANCE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of the court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, article, or sections of this ordinance since the same would have enacted by the City Council with the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 82-11. PENALTY CLAUSE

Any person, firm or corporation who violates, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 82-12. REPEALER

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other aspects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance.

SECTION 82-13

The City Secretary of the City of Burleson is hereby directed to engross and enroll this ordinance by copying the caption of this Ordinance in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

SECTION 82-14

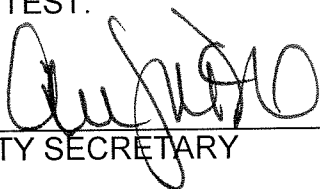
This ordinance shall be in full force and effect from the date of passage and approval and publication as required by law:

PASSED AND APPROVED this 24th day of May, 2007.



MAYOR

ATTEST:



CITY SECRETARY