

Ordinance No. 18444-01-2009

AN ORDINANCE AMENDING CHAPTER 35, “WATER AND SEWERS”, OF THE CODE OF THE CITY OF FORT WORTH (1986), AS AMENDED, BY ADDING ARTICLE VII, “INSTALLATION AND MAINTENANCE OF IRRIGATION SYSTEMS”; SECTIONS 35-158 THROUGH 35-170; SECTION 35-158 “DEFINITIONS”; SECTION 35-159 “LICENSE REQUIRED”; SECTION 35-160 “PERMIT REQUIRED”; SECTION 35-161 “WATER CONSERVATION”; SECTION 35-162 “IRRIGATION PLAN AND AS BUILT DESIGN: MINIMUM STANDARDS”; SECTION 35-163 “DESIGN AND INSTALLATION: MINIMUM REQUIREMENTS”; SECTION 35-164 “COMPLETION OF IRRIGATION SYSTEM INSTALLATION”; SECTION 35-165 “CITY INSPECTION REQUIRED”; SECTION 35-166 “MAINTENANCE, ALTERATION, REPAIR OR SERVICE OF IRRIGATION SYSTEMS”; SECTION 35-167 “RECLAIMED WATER; OTHER WATER SUPPLY SOURCES”; SECTION 35-168 “ADVERTISEMENT REQUIREMENTS”; SECTION 35-169 “CONTRACTS”; SECTION 35-170 “FEES”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, during the 2007 legislative session, the Texas Legislature adopted House Bill 1656; and

WHEREAS, House Bill 1656 amended Chapter 401 of the Texas Local Government Code to require a city with a population of 20,000 or more to regulate the installation of irrigation systems within the corporate limits of the city as well as the city’s extraterritorial jurisdiction; 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 Fort Worth.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Part II of the Code of the City of Fort Worth, Texas (1986), as amended, Chapter 35, “Water and Sewers”, Article VII, is hereby added to the City Code to read and be as follows:

ARTICLE VII. Installation and Maintenance of Irrigation Systems.

SECTION 35-158. Definitions.

In this Article:

Air Gap means a complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

Alter (Alteration) means any modification of an existing Irrigation System where twenty-percent (20%) or more of the original system is altered and/or when additional zones are added to the existing system.

Automatic Controller means a solid state timer capable of operating valve stations to set the days, time of day, and length of time water is applied.

Backflow Prevention means the mechanical prevention of the flow in the direction opposite to the normal flow; or the introduction of any foreign liquids, gases, or substances into the public water system.

Backflow Prevention Assembly means an approved assembly to counteract backpressure or prevent backsiphonage. This assembly must appear on the list of approved assemblies issued by the City of Fort Worth Water Department.

Completion of Irrigation System Installation means the time when the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

Cross-connection means any physical arrangement where a potable water supply is actually or potentially connected with any non-potable water system, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, air conditioning unit, fire protection system, or any other assembly which contains, or may contain, contaminated water, domestic sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because

of which, backflow may occur are considered to be cross connections.

Design means the act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

Design Pressure means the pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

Double Check Valve means an assembly that is composed of two independently acting, approved check valves, including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. Also known as a Double Check Valve Backflow Prevention Assembly.

Emission Device means any device that is contained within an irrigation system and that is used to apply water including, but not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

Employed means engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems.

Irrigation Inspector means a person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor as required under Title 30, Texas Administrative Code, Chapter 30.

Irrigation Plan means scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

Irrigation Services means selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

Irrigation System means an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

Irrigation Technician means a person who works under the supervision of a licensed

irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply as required under Title 30, Texas Administrative Code, Chapter 30.

Irrigation Zone means a subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

Irrigator means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Landscape Irrigation means the science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

License means an occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30.

Mainline means a pipe within an irrigation system that delivers water from the water source to the individual zone valves.

Master Valve means a remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

Matched Precipitation Rate means the condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

New Installation means an irrigation system installed at a location where one did not previously exist.

Potable Water means water that is suitable for human consumption.

Reclaimed Water means reclaimed water that is collected through a publicly owned treatment works and is under the direct control of the City wastewater treatment plants or a wastewater treatment plant with which the city contracts, and that has been treated to a quality that meets or exceeds Chapter 210 requirements of Title 30 of the Texas Administrative Code.

Supervision means the on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.

Zone Flow means a measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

Zone Valve means an automatic valve that controls a single zone of a landscape irrigation system.

SECTION 35-159. License Required.

- (a) Any person who connects an Irrigation System to the water supply within the City or the City's extraterritorial jurisdiction (ETJ) on or after January 1, 2009, except as specified below, or Alters an Irrigation System to the water supply as defined herein, must hold a valid License.
- (b) A property owner is not required to possess a License if the property owner is performing irrigation work in a building or on a premises owned or occupied by that person as the person's home. A property owner who installs an Irrigation System must comply with the Minimum Design Standards as described in Title 30, of the Texas Administrative Code, Chapter 344 and Section 12.5-163.
- (c) A person commits an offense if a person connects an Irrigation System to the water supply within the City or the ETJ on or after January 1, 2009 or Alters an Irrigation System to the water supply as defined herein without a valid License pursuant to this Section.

SECTION 35-160. Permit Required.

- (a) Any person installing or Altering an Irrigation System within the City or its ETJ, unless otherwise exempted below, shall first obtain a permit from the City's Planning and Development Department.
- (b) A person shall be exempt from obtaining a permit prior to installing or Altering an Irrigation System if such Irrigation System is:
 - (1) an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code; or
 - (2) used on or by an agricultural operation as defined by Section 251.002 of the Texas Agriculture Code, as it may be amended; or
 - (3) connected to a groundwater well used by the property owner for domestic use.
- (c) A person commits an offense if a person installs or Alters an Irrigation System within the City or its ETJ, unless otherwise exempted, without a permit from the City.

SECTION 35-161. Water Conservation.

All Irrigation Systems shall be designed, installed, maintained, Altered, repaired, serviced, and operated in a manner that shall prevent the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

SECTION 35-162. Irrigation Plan and As-Built Design: Minimum Standards.

- (a) An Irrigator shall prepare an Irrigation Plan as described in subsection (d), for each site prior to installation or Alteration of an Irrigation System. An easily available paper or electronic copy of the Irrigation Plan must be on site at all times during such installation of the Irrigation System.
- (b) During the installation or Alteration of the Irrigation System, variances from the original plan are allowable if noted in red on the Irrigation Plan, and provided that the change(s) does not:
 - (1) diminish the operational integrity of the Irrigation System; nor
 - (2) violate any requirement of this Article VII.
- (c) The Irrigation Plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the Irrigation Plan.
- (d) All Irrigation Plans must be drawn to scale. The plan shall include the following information:
 - (1) the Irrigator's seal, signature, and date of signing;
 - (2) all major physical features and the boundaries of the areas to be watered;
 - (3) a North arrow;
 - (4) a legend;
 - (5) the Zone Flow measurement for each Zone;
 - (6) location and type of each Automatic Controller and sensor (such as rain, moisture, wind, flow, or freeze sensors);
 - (7) location, type, and size of each:
 - (A) water source, such as, but not limited to a water meter and point(s) of connection;
 - (B) Backflow Prevention Assembly;
 - (C) water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;
 - (D) valve, including but not limited to, Zone valves, master valves, and isolation valves;
 - (E) pressure regulation component; and

- (F) main line and lateral piping.
- (8) the scale used; and
- (9) the Design Pressure.

(e) An Irrigator commits an offense if the Irrigator fails to provide an Irrigation Plan for the Irrigation System that person installed or caused to be installed as required herein.

SECTION 35-163. Design and Installation: Minimum Requirements.

Any person who installs or Alters an Irrigation System (or who causes such installation or Alteration) shall comply with the following minimum requirements:

- (a) Manufacturer's Specifications. A person shall not install nor cause to be installed, an Irrigation System which requires the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.
- (b) Spacing.
 - (1) The maximum spacing between emission devices shall not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing shall be determined by the manufacturer's published specifications for a specific emission device at a specific operating pressure.
 - (2) New or Altered Irrigation Systems shall not utilize above-ground spray emission devices in landscapes: (i) that are less than 60 inches (which shall not include the impervious surfaces in either length or width) and (ii) which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. Qualifying areas less than 60 inches may be irrigated utilizing subsurface or drip irrigation, pressure compensating tubing, or be designed without irrigation. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.
 - (3) Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.
- (c) Water pressure. Emission Devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.
- (d) Piping. Piping in Irrigation Systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride

- (PVC) pipe.
- (e) Irrigation Zones. Irrigation Systems shall have separate Zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.
 - (f) Matched precipitation rate. Zones must be designed and installed so that all of the Emission Devices in that Zone irrigate at the same precipitation rate.
 - (g) Spray. Irrigation Systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.
 - (h) Foundations. If the Irrigation Plan includes a foundation watering system, a separate station shall be dedicated for drip irrigation.
 - (i) Master valve. A flow control master valve shall be installed on the discharge side of the Backflow Prevention Assembly on all new installations.
 - (j) Check valves. Check valves are required where elevation differences may result in low head drainage. Check valves may be located at the sprinkler head(s) or on the lateral line.
 - (k) Pop-up heads. Pop-up heads shall be installed at grade level and operated to extend above all landscape turfgrass.
 - (l) PVC pipe primer solvent. All new Irrigation Systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC cement in accordance with the City's Plumbing Code, as it may be amended.
 - (m) Automatic Controllers. All new Irrigation Systems must include an Automatic Controller capable of providing the following features:
 - (1) Multiple irrigation programs with at least three start times per program,
 - (2) Limiting the irrigation frequency to once every seven days and once every 14 days;
and
 - (3) A water budgeting feature.
 - (n) Operational rain or moisture and freeze shut-off devices or other technology. All new automatically controlled Irrigation Systems must include operational sensors or other technology designed to inhibit or interrupt operation of the Irrigation System during periods of freezing weather and moisture or rainfall in accordance with City Code Section 35-152. Freeze and rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs or Alterations to existing automatic Irrigation Systems that require replacement of an existing controller must include an operational sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of freezing weather and moisture or rainfall.

(o) Isolation valve. All Irrigation Systems must include an isolation valve between the water meter and the Backflow Prevention Assembly.

(p) Depth coverage of piping. Piping in all Irrigation Systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the Irrigation System that fail to meet this standard must be noted on the Irrigation Plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the Irrigation Plan and discussed with the Irrigation System owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an Irrigation System must be backfilled and compacted to the original grade.

(q) Wiring Irrigation Systems.

(1) Underground electrical wiring used to connect an Automatic Controller to any electrical component of the Irrigation System must be listed by "Underwriters Laboratories" as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an Irrigation System must be sized according to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an Automatic Controller to any electrical component of the Irrigation System must be buried with a minimum of six inches of select backfill.

(r) No Potable Use. Water contained within the piping of an Irrigation System shall be deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an Irrigation System. If a hose bib is connected to an Irrigation System for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an Irrigation System.

(s) Y-Strainer. A Y-type strainer must be installed on the inlet side of the double check valve.

- (t) Backflow. A Backflow Prevention Assembly shall be installed and used in compliance with Section 12.5, Article V, Division 3, *Cross Connection Control*.
- (u) Effective January 1, 2010, a Licensed Irrigator shall i) be on-site at all times while the Landscape Irrigation System is being installed; or shall ensure that a Licensed Irrigation Technician is on-site to Supervise the installation of the Irrigation System.
- (v) A person commits an offense if a person who installs, allows or causes to be installed an Irrigation System which does not meet the minimum design requirements described in this Section.

SECTION 35-164. Review of the Irrigation System by Owner.

Upon completion of the Irrigation System installation or Alteration, the Irrigator or Irrigation Technician who provided Supervision for the on-site installation shall complete the following:

- (a) The Irrigator or Irrigation Technician shall perform a final walk-through inspection with the Irrigation System's owner or the owner's representative. The walk-through shall include a review of the those items on the maintenance checklist as described in subsection (b).
- (b) The items on the maintenance checklist required in subsection (a) shall include:
 - (1) the Irrigator's name, license number, company name, telephone number;
 - (2) the location of the water meter, isolation valve, Backflow Prevention Assembly, sprinkler heads, drip or pressure compensating tubing irrigation, rain or moisture and freeze shut-off device;
 - (3) the Irrigation Plan;
 - (4) the manufacturer's manual for the Automatic Controller;
 - (5) a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;
 - (6) a list of components, such as the nozzle, or pump filters, and other such components that require maintenance and the recommended frequency for the service; and
 - (7) the following statement, "This Irrigation System has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."
- (c) The Irrigator or Irrigation Technician shall obtain the signature of the Irrigation System's owner or owner's representative on the maintenance checklist which evidences that a walk-through by the two parties was performed and included a review of those items in (b) above. If the Irrigation System's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the Irrigator or Irrigation Technician shall note the time and date of the refusal on the Irrigation System's owner or owner's

representative's signature line.

- (d) The Irrigator or the Irrigation Technician shall provide the Irrigation System owner or owner's representative the signed original maintenance checklist and a copy of the Irrigation Plan.
- (e) The Irrigator or Irrigation Technician shall permanently affix the Irrigator's name, license number, company name, telephone number to each Automatic Controller installed by the Irrigator or Irrigation Technician. The information must be waterproof.
- (f) In the event that the Irrigation System owner or owner representative is a residential home builder, then a copy of the Irrigation Plan indicating the actual installation of the system and corresponding maintenance checklist must be placed within or attached to the Automatic Controller when such home is sold. A signed statement from the new owner and the residential home builder, or builder's representative, stating they have received and transferred, respectively, a copy of the Irrigation Plan and maintenance checklist must be provided to the City's Water Department within 30 days of the transfer to the new owner.
- (g) A person commits an offense if that person fails to comply with the terms of this Section.

SECTION 35-165. City Inspection Required.

- (a) Upon Completion of the Irrigation System Installation or Alteration, and after review of the Irrigation System by the owner as provided for in Section 35-166 (a) through (f), the Irrigator or Irrigation Technician, or property owner shall request an inspection of the Irrigation System by the City's Water Department. Such Irrigation System shall not be used without the City's completed inspection and approval that such Irrigation System complies with Article VII.
- (b) A person commits an offense if that person uses, allows to be used or causes to be used an Irrigation System which has not passed the City's inspection and has not received the City's approval for its use.

SECTION 35-166. Maintenance, Alteration, Repair, or Service of Irrigation Systems.

- (a) An Irrigator is responsible for all work that the Irrigator performs during the installation, maintenance, Alteration, repair, or service of an Irrigation System.
- (b) All trenches and holes created during the maintenance, Alteration, repair, or service of an Irrigation System must be returned to the original grade with compacted select backfill by the Irrigator who caused such work to occur.
- (c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an Irrigation System in accordance with the City's Plumbing Code, as it may be amended.

- (d) When maintenance, repair or service of an Irrigation System involves excavation work at the water meter or Backflow Prevention Assembly, an isolation valve shall be installed, if an isolation valve is not present.
- (e) A person commits an offense if that performs or causes to be performed any maintenance, Alteration, repair or service of an Irrigation System in violation of the Section.
- (f) The City shall not bear any responsibility to the owner of an Irrigation System to modify or upgrade the Irrigation if the City exposes the Mainline during maintenance of the City's water system.

SECTION 35-167. Reclaimed Water; Other Water Supply Sources

- (a) Reclaimed Water may be utilized in the Irrigation Systems if:
 - (1) there is an written agreement between the City and the owner/operator of the Irrigation System;
 - (2) the user complies with Chapter 210 of Title 30 of the Texas Administrative Code, titled "Use of Reclaimed Water";
 - (3) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;
 - (4) the Irrigation System does not spray water across property lines that do not belong to the Irrigation System's owner;
 - (5) the Irrigation System is installed using purple components;
 - (6) the domestic Potable Water line is connected using an Air Gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i);
 - (7) a minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER – DO NOT DRINK" and "AGUA DE RECUPERACIÓN – NO BEBER"; and
 - (8) the Backflow Prevention on the Reclaimed Water supply line complies with the City Code requirements and other applicable laws.
- (b) A person may not use or connect any alternative water supply sources, such as but not limited to gray water or harvested rain water without the prior written approval of the City's Water Director.
- (c) A person commits and offense if that person uses or causes to be used Reclaimed Water or any other source or supply of water in violation of this Section.

SECTION 35-168. Advertisement Requirements.

- (a) All vehicles used in the performance of Irrigation installation, maintenance, alteration, repair, or service must display the Irrigator's license number in the form of "LI _____" in a contrasting color of block letters at least 2 inches high, on both sides of the vehicle.

- (b) All forms of written and electronic advertisements for Irrigation Services must display the Irrigator's license number in the form of "LI_____". Any form of advertisement, including business cards, and estimates which displays an entity's or individual's name other than that of the Irrigator must also display the name of the Irrigator and the licensed Irrigator's license number.
- (c) Additionally, the name, mailing address, and telephone number of the TCEQ must be prominently displayed on a legible sign and displayed in plain view for the purpose of addressing complaints at the permanent structure where irrigation business is primarily conducted and Irrigation records are kept.
- (d) A person commits an offense if that person uses or causes to be used any advertisement in violation of this Section.

SECTION 35-169. Contracts.

On all installations of Irrigation Systems or maintenance, Alterations, repairs, or service to existing Irrigation Systems, an Irrigator shall present the Irrigation System's owner or owner's representative a written document that identifies the materials furnished in the maintenance, Alteration, repair, or service. If a warranty is provided, the Irrigator must specify the Irrigator's name, business address, and business telephone number(s), must contain the signature of the Irrigation System's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-178, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.state.tx.us."

SECTION 35-170. Fees.

- (a) The City Council shall adopt a schedule of fees for reimbursement of costs of permitting, inspecting and enforcing Article VII as follows:
 - (1) Fees for issuing Irrigation installation permits; and
 - (2) Fees for monitoring and inspection by the City or its agent;
- (b) Such fees shall relate solely to the matters covered by this Article VII and are separate from and in addition to all other fees, fines and penalties assessable by the City.
- (c) The fee schedule may be amended from time-to-time as the City Council deems reasonably necessary.

**SECTION 2.
CUMULATIVE PROVISIONS**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in

direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 3.
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrase, clause, sentence, paragraph or section of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.
PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, 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 two thousand dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 5.
RIGHTS AND REMEDIES**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the ordinances amended herein, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.
PUBLICATION**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 2, Chapter XXV of the Charter of the City of Fort Worth, Texas and by Section 52.013, Texas Local Government Code.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall take effect on the date it is adopted.

APPROVED AS TO FORM AND LEGALITY:

By: Christa R. Reynolds
Assistant City Attorney

ADOPTED: January 13, 2009

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 1/13/2009 - Ord. No. 18444-01-2009

DATE: Tuesday, January 13, 2009

REFERENCE NO.: G-16428

LOG NAME: 60IRRIGATION

SUBJECT:

Adopt Ordinance Amending Chapter 35 "Water and Sewers" of the City Code by the Addition of Article VII, "Installation and Maintenance of Irrigation Systems" Sections 35-158 through 35-170 and Adoption of Fees

RECOMMENDATION:

It is recommended that the City Council amend Chapter 35 "Water and Sewers" of the City Code by the Addition of Article VII "Installation and Maintenance of Irrigation Systems" as mandated by State Legislation.

DISCUSSION:

House Bill 1656, which passed in the last legislative session, requires municipalities serving a population of 20,000 or more customers to adopt a landscape irrigation ordinance with requirements at least as stringent as the Texas Commission on Environmental Quality's (TCEQ) standards for the design, installation and maintenance of landscape irrigation systems found in the Texas Administrative Code Sections 344.60 through 344.65. The Water Department worked with a sub-committee of the North Texas Council of Government's Water Resources Council to develop this ordinance that incorporates water conserving components with the new state rules for installing landscape irrigation systems. The regional recommendations are designed to make irrigation systems more efficient by limiting the amount of water that is wasted by poor design and construction practices. This ordinance requires an irrigator to be licensed and permitted by the City prior to installing a new irrigation system and to have an irrigation plan meeting certain requirements. Homeowners must also be permitted prior to installation of a new system. Both irrigators and homeowners must comply with state rules and minimum design and installation requirements. Upon alteration of existing systems affecting at least 20 percent of the system, a person must also meet these requirements.

In order to recover costs associated with issuing a permit for the installation of an irrigation system, and inspection of such systems, the City of Fort Worth Water Department will charge \$90.00 for an inspection fee which includes the backflow fee and \$22.00 for each permit application. The \$22.00 fee goes to the Development Department for maintaining the database and associated administrative tasks. The total cost for a permit will be \$112.00. The fee for existing backflow prevention installations is \$53.31 and is included in the revised fee. One re-inspection will be included with the initial irrigation inspection permit. For any additional re-inspections the fee will be \$58.69 per occurrence. Additional charges of \$31.31 will also apply if the backflow is to be re-inspected. The total fee for failure to pull a permit will be \$202.00 to include a \$22.00 permit application fee, \$117.38 irrigation inspection fee, and \$62.62 backflow inspection fee.

Any violation of this ordinance is a Class C Misdemeanor and subject to a fine of not more than \$2,000.00.

FISCAL INFORMATION / CERTIFICATION:

The Financial Management Services Director certifies that this action will have no material effect on City funds.

FUND CENTERS:

TO Fund/Account/Centers

FROM Fund/Account/Centers

CERTIFICATIONS:

Submitted for City Manager's Office by:

Fernando Costa (6122)

Originating Department Head:

S. Frank Crumb (8207)

Additional Information Contact:

Micah Reed (8211)

ATTACHMENTS

1. 60IRRIGATION Ordinance FINAL.doc (Public)